

# SOVEREIGN DEFENDANTS

**Presented by**

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By the end of the session, participants will be able to:

1. Recognize sovereign defendant when encountered
2. Understand the risks faced when confronting a sovereign defendant;
3. Know a few hints for managing sovereign defendants during an encounter

## **I. Introduction.**

At one time or another, all Courts will encounter difficult or unreasonable defendants. These defendants can range from those who, for one reason or another, cannot understand the process and procedures to those who, for one reason or another, refuse to fully comply with court rules and procedures. To make matters worse, municipal (and justice) courts face a large number of people with various degrees of mental illness. Some of the persons with mental illness will be difficult defendants as a result of their illness or incapacity; others, may latch onto various aspects of sovereign conspiracy theories because such theories mesh nicely with their view of the world (*e.g.*, delusional disorders) and offer some sort of protection from procedures they may not understand. It matters very little what the underlying reason or cause is, these defendants will try the patience of all court personnel.

In the last twenty five years (since I first encountered a sovereign citizen in the court setting) the world has drastically changed. We experienced 9/11, the growth of both organized and home-grown terrorists, the explosion of the Internet, the advent of social media, and now camera phones and other small, but highly developed, communication technology. Advanced technology provides an avenue for people and groups to share information, which in the case of anti-social ideology, the use of advanced technology can complicate matters. The advent of new types of terrorists, both individuals and groups, whose information is readily shared on the Internet, adds another layer of complexity and concern. Publications like Al Qaeda's "Inspire" with its "Open Source Jihad" can inspire not only religious adherents, but other "convinced" persons. We must develop good situational awareness, always on the lookout for something or someone who just seems out of place.

Sovereign defendants are an extreme example of a group that can be extremely difficult. The Sovereign defendant, based on ideology, refuses to comply with court procedures and rules. Even though these individuals may refuse to comply with the rules and procedures devised for orderly disposition of cases, they are generally familiar with the judicial system and will attempt to bend the system in ways that, for court personnel, can be quite frustrating and even time consuming. It should be noted that the FBI, and other law enforcement organizations, has listed the sovereign citizen movements as terrorist organizations (*see included*, September 2011, FBI Law Enforcement Bulletin).

## **II. Recognizing a sovereign defendant**

For the purposes of this paper we will be using a rather broad definition of the term sovereign defendant. Our definition will include those that have been labeled as "sovereign

defendants” as well as individuals who align with the other similar factions. The details of sovereign ideology can vary greatly, but from the perspective of court and law enforcement personnel the tactics employed by the individual sovereign defendants are similar.

It appears that problems with sovereign defendants are somewhat cyclical. It is also apparent that these problems are becoming more common – and more difficult to deal with. The existing societal polarization just adds to the mix. Rest assured the internet is playing its part in providing information, briefs, kindred spirits and whatever else these difficult defendants are looking for. With the internet and a printer a sovereign defendant can easily churn out a wide variety of arguments, motions and other pleadings. Although, from a boots on the ground law enforcement perspective, the filing of pleadings would seem to be irrelevant, how your judge and court personnel handle such matters can greatly effect if, when or where you will be directly involved with a sovereign defendant.

Judge Frank Easterbrook in his opening line of an opinion out of the U.S. Court of Appeals for the 7<sup>th</sup> Circuit concisely states the problem: *“Some people believe with great fervor preposterous things that just happen to coincide with their self-interest.” Coleman v. Commissioner* 791 F2d 68,69 (7<sup>th</sup> Cir. 1986). This case is one in a long line of federal income tax cases where various defendants: “have convinced themselves that wages are not income, that only gold is money, that the Sixteenth Amendment is unconstitutional, and so on.” *Id.*

In all likelihood sovereignty issues have existed since the beginning of law – after all, if “the King can do no wrong” then why not attack the words and acts that confer jurisdiction over a person. In the United States it took an act of Congress, followed by state ratification to, really begin the onslaught of fringe groups. It appears that upon the passage of the 16<sup>th</sup> Amendment to the U.S. Constitution (which allowed the establishment of an income tax) various “sovereign” and other related arguments began to take on an art form of their own. In fact, you may find that some of the contentions raised by various tax scofflaws are quite similar to what is presented in municipal courts in response to traffic citations. In Texas, and now elsewhere, we can also add those who believe that Texas was not properly annexed to the United States – although how this would legitimately affect adherence to traffic laws is a bit of a stretch. But then again, this is where Judge Easterbrook’s words ring true.

This, then, is the decisive factor that sets out a sovereign defendant from someone who is merely difficult. It is the adherence to an ideology, no matter how irrational, that is the determining factor. The nature of the ideology may not be important to municipal (or other) court



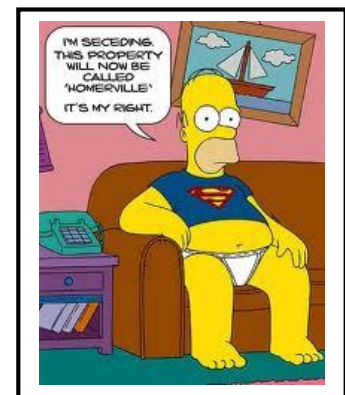
proceedings, but early recognition may help avoid pitfalls as well as possibly signal the need for additional security.

It needs to be noted that the courtroom or courthouse is not the only place where you might encounter a sovereign citizen. If you serve warrants, or perform other community law enforcement activities, you may encounter one of these difficult defendants. Many sovereign citizens believe that the federal government set up by the founders has ceased to exist, and in its place is an illegitimate corporate government based on admiralty law and international commercial law. They believe this government has pledged its citizens as collateral for international debts, and to this end, a secret treasury account is set up in the name of every child born in America. When one wholeheartedly believes that the government is illegitimate, then all connected actors, including bailiffs and marshals, lack legal authority, and, in many cases, should be challenged. Serving a warrant now can be a bit more frustrating, if not more difficult.

Early on (pre 1960's) the anti-establishment groups tended to fall into one of two categories, those who believed they weren't citizens of the United States (or of a particular state) and thus not subject to the laws of the state. Somehow these adherents did not believe that the 14<sup>th</sup> Amendment to the U.S. Constitution defined citizenship ('[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside'). The passage of the 14<sup>th</sup> Amendment is one of the claimed illegitimate acts.

The second category objected to jurisdiction based on religious or moral grounds. People have attempted to use the First Amendment to support a wide variety of arguments against various laws that they do not support. Even though the Courts struggle with the contours of religious protection – they have been quite clear about use of the First Amendment to circumvent purely secular laws. Stymied on this front, those bent on gaming the system looked to other ideology.

Nevertheless, patriot arguments continue to be raised – frequently in a fashion that many would label as “paper terrorism,” – acts of filing a barrage of motions, harassing lawsuits, and bogus documents generally accompanied by bizarre legal, or more accurately “pseudo legal” language and argumentation. What you will see, as a common theme, is that a non-violent “refusal to participate” coupled with just enough knowledge to muck things up results in a frustrating series of interactions.





However, beginning in the late 1960s, a number of right-wing fringe groups formed that questioned the authority and nature of the federal government. Most grew out of a recently emergent right-wing tax-protest movement: arguments about the illegitimacy of income tax laws were easily expanded or altered to challenge the legitimacy of the government itself. The most important of these groups was the Posse Comitatus, (primarily far-right, racist, and anti-Semitic) which originated in Oregon and California around 1970.

Members of the Posse Comitatus, believed that the county was the true seat of government in the United States. They did not deny the legal existence of federal or state governments, but rather claimed that the county level was the "highest authority of government in our Republic as it is closest to the people." The basic Posse manual stated that there had been "subtle subversion" of the Constitution by various arms and levels of government, especially the judiciary. There was, in fact, a "criminal conspiracy to obstruct justice, disenfranchise citizens and liquidate the Constitutional Republic of these United States."

The Posse wanted to reverse this subversion and "restore" the Republic through (1) unilateral actions by the people (i.e., the Posse) and (2) actions by the county sheriff. The sheriff, they argued, was the only constitutional law enforcement officer. Moreover, his most important role was to protect the people from the unlawful acts of officials of governments like judges and government agents. Should a sheriff refuse to carry out such duties, the people (i.e., the Posse) had the right to hang him. In fact, the two most prominent Posse symbols became a sheriff's badge and a hangman's noose.

This particular thinking, which was generally benign, mostly died out in the early 1980's. Some of the ideas, though, were reborn in varying groups who also took a new style protest involving paper terrorism – and in some cases even criminal terrorism. In the wake of Ruby Ridge (Idaho, 1992) and Waco (1993) there has been a resurgence of this alternative government movement. The newer anti-government, sovereign groups are no longer exclusively right-wing adherents. Now we have the Moors or Moorish (somewhat loosely from the Moorish Science Temple of the Americas) and members United Washitaw de Dugdahmoundyah Mu'ur Nation. Ideologically, on the surface, these new groups would be deemed far left; however the similarities between the new and old groups frequently outweigh the differences. One of my old law professors, in part speaking of himself, put it this way: the extremes of the far-left and the far-right sometimes meet in the middle of the back – or in a more modern sense – on the dark web. The Internet has made it too easy to cherry pick ideology and tactics to fit ones need.

In the same vein, and a little oversimplified, American sovereign groups are commonly delineated along racial lines. White American sovereigns tend to be concerned with the U.S. Constitution and state constitutions, and their interpretations of those documents in

a historical context. African-American sovereigns often lean toward Moorish history and African culture as the basis of their sovereignty. Religion, particularly the Moorish Science Temple, may also play a role in racial division and recruitment or indoctrination within a particular sovereign group. Keep in mind that although there is often noticeable racial division among sovereign groups, it is important to remember that sovereign citizens all have the same basic beliefs and will share their criminal tactics with each other. Sovereign citizens, with few exceptions and despite their differences, will choose to unite against their one common enemy: the government and its agents.

What one needs to know is the language that these groups use, as that will frequently be the first clue that you are dealing with a sovereign citizen. The language will include references to terms such as: jurisdiction, freemen, redemption, constitutionalist, insistence on spelling one's name with all caps, or all small letters when referring to themselves, refusal to believe they must adhere to traffic laws and other transportation or trespass rules, and references to courts outside what you would consider as the norm.

The key is that sovereign citizens are spread over every demographic. It could be a 20-year-old black college student. It could be a 66-year-old woman. Like many other things in life, you can't accurately stereotype what a sovereign citizen "looks like."

The FBI's distinction of the Sovereign Citizens Movement as a domestic terrorist organization is based on a definition taken from statutory law:

"Domestic terrorism" means activities with the following three characteristics:

- (a) Involve acts dangerous to human life that violate federal or state law;
- (b) Appear intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination or kidnapping; and
- (c) Occur primarily within the territorial jurisdiction of the U.S.

The FBI then further amended this definition to include that the federal crime of terrorism is an offense that:

- (a) Is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and
- (b) Is a violation of one of several listed statutes, including § 930(c) (relating to killing or attempted killing during an attack on a federal facility with a dangerous

weapon); and § 1114 (relating to killing or attempted killing of officers and employees of the U.S.).

### **III. Sovereign Citizens are generally more litigious than violent – BUT**

Generally sovereign citizens are more litigious than violent, but being charged with courtroom security, the concern is for the outlier. Homeland Security's Office of Intelligence and Analysis assesses that most sovereign citizen extremists' violence will continue to occur most frequently at their homes, during routine traffic stops, or at government offices due to their perception that their individual rights are being violated. Violence took place in these three circumstances in 19 of the 24 instances of violence involving sovereign citizens since 2010. Sovereign citizens perceive that law enforcement efforts and judicial actions infringe upon key personal rights and individual sovereignty—such as the right to travel—most strongly during these circumstances. They believe they personally can ignore laws and act according to their own sovereign citizen ideology. Consequently, when sovereign citizens perceive government representatives directly infringing on their rights and freedoms in an irrevocable way—such as police serving a warrant or a judge ruling against legal filings intended to tie up court proceedings—some may resort to violence.”

Here are a few case examples:

(A). Although the background details may not have been well publicized, nearly everyone knows the fate of a couple of the adherents to such pseudo-legal ideology. In April 1992 an angry resident of Sanilac County Michigan wrote a letter to the Michigan Department of Natural resources stating that he was no longer a “citizen of the corrupt political corporate State of Michigan and the United States of America.” He further stated that he was answerable only to the “common laws” and thus expressly revoked his signature on any hunting or fishing licenses which he viewed as contracts that fraudulently bound him to the illegitimate government. This individual subscribed to an unusual right-wing antigovernment ideology whose adherents are now increasing plaguing public officials with a variety of tactics designed to attack the government and other forms of authority. They call themselves – consti-tutionalists, freemen, preamble citizens, common law citizens and non-foreign/non-resident aliens – but most commonly “sovereign citizens.” Earlier it was mentioned that knowing who you are dealing with may have security implications. Well, the Michigan resident who adhered to this ideology was Terry Nichols. Unfortunately, he is not the only violent adherent to this anti-government ideology.

(B). More recently another adherent to the sovereign citizen ideology made the news. Sovereign citizen Jerry Kane, who frequently travelled the country with his son Joseph, holding seminars in which he would teach his anti-government conspiracies and pseudo-legal solutions, immediately exited their car at a traffic stop, opening fire and killing two West Memphis police officers. An hour later, the two were killed in a Wal-Mart parking lot shoot-out. This was, perhaps, a culmination of the rise in sovereign citizen activity that occurred during 2009-2010. The problem has attracted the attention of the FBI who now lists some of these groups as terrorist organizations (anarchist extremism, sovereign citizen extremist movement, and various “militias”). Not all the violence has been directed to law enforcement, and some has even been accidental.

(C). In 2016, sovereign citizen Erick Shute was arrested for killing three of his neighbors in rural West Virginia following property disputes with the men, who he gunned down ambush-style with an AR-15 as they cleared brush near his property. In 2010, sovereign citizen Anson Chi, an Asian-American in Plano, was badly injured when the bomb he was making (to blow up a natural gas pipeline) detonated prematurely.

(D). Alaskans Lonnie and Karen Vernon, a couple involved in the Alaska militia run by political activist Schaeffer Cox, plotted to kill a federal judge and an IRS officer who handled their tax prosecution. At the behest of his friend Robert Chapman—a sovereign also known as “General Chapman”—sovereign John Ridge Emery III handed a Charlotte County, Fla., traffic judge an envelope he believed contained anthrax.

(E). Sheriff’s deputies waited until Mark Kulis left home before delivering eviction papers to his house Wednesday. They’d heard reports the 55-year-old was dangerous, but they didn’t expect that his house in Ohio’s Franklin County would be. Kulis’s oven was booby-trapped with an explosive, and there were four more in his bedroom closet, and even more bomb-making materials scattered throughout the house. Scrawled across the walls and ceilings of his home were names of politicians, including President Obama and Ohio Gov. John Kasich, and declarations of sovereignty. When the police found and arrested Kulis, he was at a car wash half a mile from his house, armed with a loaded Colt .38-caliber revolver. (Kulis was charged with carrying a concealed weapon and manufacturing dangerous ordnance.)

At the time that Kulis was meant to be evicted, there was a probate warrant pending to take him to an emergency mental-health center. He also considered himself a sovereign citizen. Whether one thing had anything to do with the other is undetermined, but Kulis’s scrawling affiliated him with a 200,000- to 500,000-member movement that the FBI has called one of America’s leading domestic terrorist threats. Squatting in empty houses and refusal to follow eviction notices are becoming a more common tactic.

#### IV. It's not over when it's over

When the sovereign citizen walks out of the courthouse, you may breathe a sigh of relief. That doesn't mean that your encounter is over. For many sovereigns paper terrorism is the weapon of choice. They file all kinds of motions, both before and after any trial or hearing. Sovereign citizens are also involved in a number of fraudulent schemes where the government systems are used. For example:

(A). The tax scams, especially the 1099-OID (Original Issue Discount) conspiracy, does pay – the IRS does not provide hard numbers, but estimates (from criminal investigations and other sources) range from 100's of millions of dollars to close to a billion has successfully walked out the door of the U.S. Treasury. From the trial of *U.S. v. Julison*, the Senior Technical Coordinator in the IRS's Frivolous Return Program testified on cross-examination that while she was unaware of the exact number, "hundreds of millions" seemed a fair estimate and possible a lowball one at that. She noted that over a period of three years, 2007-2010, more than 3.3 trillion dollars was requested using the 1099-OID process. It is somewhat amazing that the IRS itself says that with these problems and the electronic filing, a boom in identity theft, has far outpaced the agency's technological ability to detect fraud. (1099 OID is a rare filing, usually by a small group of entities – banks, brokers, and the like – so red flagging individual filings should be easy). Without delving into why such "incompetency" still exists, it is fair to say that such fuels the sovereign movement and increases our law enforcement headache.

(B). Cherron Phillips of Chicago was upset that she was barred from the courtroom during her brother's trial on drug charges. So she filed false \$100 billion liens against the property of 12 people involved in the case—including the U.S. attorney and chief judge then serving in the Northern District of Illinois. When she was prosecuted, she insisted on representing herself, called herself River Tali El Bey, then filed numerous documents that the judge called "clotted nonsense." The file liens, though, had to be nullified – a process that is not always easy, and can be somewhat expensive.

The key point here is after a contentious encounter with a sovereign citizen, it would be a good idea to check your credit, and maybe the local county clerk, to see if some lien or other document was filed. If something appears, inform your city attorney (or county attorney, whichever applies) so that they (1) see who else was effected; (2) try and ascertain what was filed (and where); (3) have the liens or other documents removed from the record; and (3) possibly prosecute the crime committed by filing false documents.

Even jail does not necessarily stop a sovereign citizen. When jailed, differing groups (to the extent they can get along – or find common ground) can learn from each other. Homeland

Security has reported that “Gangs provide fertile grounds for recruitment by extremist groups, including black separatist extremists, white supremacist extremists, and sovereign citizen extremists. Approximately one-quarter of jurisdictions and 44 percent of correctional facilities report gang members in their jurisdiction joined extremist groups (See, 2015 National Gang Report, attached). Rationality has never been that important in jail house street education. If it will help one get over and get along, it’s adoptable.

## **V. Tips for handling Sovereign Citizens**

Perhaps the most exasperating of sovereign defendants are those who do not play. These defendants are usually challenging the court’s jurisdiction, but the underlying basis can widely vary. Some will claim that the case style is wrong based on everything from their name appearing in all capital letters, to not having the correct title (*e.g.* not being addressed as a “freewoman” or as a member of the “house of Gonzalez” or some other fiction). The name on their driver’s license, as represented on the citation, should be enough, but getting one to admit that – or to produce their “Texas” driver’s license can be challenging. Adherents to this ideology are known to use fake drivers’ licenses, passports, and even license plates and may attempt to present some rather interesting fictional licenses. Others so firmly believe that the court has no jurisdiction that you cannot get a plea. However, the court can always enter a plea of not guilty and set the matter for jury trial. If your court doesn’t have a jury docket (or for one reason or another doesn’t like to have jury trials) then these defendants will ultimately succeed.

Another area that sovereign defendants like to challenge is what they term as a lack of authority for court personnel to act in their capacities. One of the first requests for information (and the request may not be made to the court) will be for the “oath of office” for the Judge, court personnel, and prosecutor. Although it is not clear that such is required when the personnel are not appointed, it is better to have such on file. This is one of those “stay ahead of the game” procedures. Mayors generally enjoy giving oaths, and the language is prescribed, so it is easy to accomplish, and need only be done once (until personnel changes or a term expires). In some communities, the court may need to look at Article 45.201 of the Code of Criminal Procedure to make sure that the person serving as prosecutor fits within procedural guidelines.

Security during a hearing with a sovereign defendant is also an issue that may be subject to balance. Court safety and integrity is of utmost importance; however overreaction can be problematic. Again, communication is important. The judge and the marshal (or police officer) need to have an understanding, or better yet a signal, as to when police intervention

is necessary, that way, during a hearing, you as judge can control the level of acceptable rhetoric.

## **Sovereigns and Traffic Stops**

Regardless of the particular vein of sovereignty encountered by law enforcement officers, brushes with sovereigns can be extremely predictable, and successful and safe interactions with sovereigns can be accomplished if you follow a few guidelines.

The first thing you may notice will be a fraudulent registration plate affixed to a vehicle, or you will be presented a driver's license that is, on its face, fraudulent. The plate may or may not look like a slightly altered version of a legitimate registration. It will most often contain words like "Indigenous," "Sovereign," "Diplomatic," "Exempt," or "Private Property." The plate, or the driver's license may identify the particular sovereign group its owner is associated with such as "Washitaw," "Moor," "Mu'ur" (variation of Moor), "Little Shell Pembina," or "Nuwaubian." Sovereign license plates often contain images of a foreign flag, the United Nations symbol, bar codes, or hieroglyphic writing. Once these initial sovereign indicators are identified mentally preparing for what's to come is critical to a successful and safe encounter.

When you stop a sovereign citizen, the encounter will be unlike any of the thousands of vehicle stops performed in your career. While you are conditioned to motorists being frustrated or even confrontational about the reason for the stop and any possible penalty, sovereigns utilize a unique mix of bullying, intimidation, and confusion to coerce their way out of the stop. You may encounter sovereigns who refuse to roll down their window or only roll it down a matter of inches and then slide you a "Public Servant Questionnaire," asking for your full legal name, home address, and other sensitive biographical information. Sovereigns, when stopped, may ask you to present them with your signed oath of office or to recite that oath. The sovereign will often attempt to utilize clever parsing of words to differentiate between a "vehicle" and a "conveyance," or "driving" vs. "traveling," all in an effort to confuse and intimidate you.

A sovereign may even present you with a bill for his time when you contact him. Sovereigns have been known to mention their "fee schedule" to officers during traffic stops, and will advise you that these self-created astronomical rates will be billed to you, all depending on the length of the stop. If you encounter one of these, remember what was stated earlier in this paper – check your credit report to see if the sovereign filed a lien for his "bill."

Some sovereign citizens also believe their names are private property and cannot be used, for any reason, without their expressed consent. They will view you writing their names on a citation as a copyright or trademark infringement and, consequently, attempt to conceal

their full names when asked. As a result of their belief that law enforcement has no authority over them in any situation, they may become violent if asked to exit the vehicle or submit to an arrest.

And expect to be filmed, especially if there is a second individual in the car. Sovereigns often video-record their interactions with law enforcement officers in hopes of intimidating officers to not enforce the law. Some of these encounters are live-streamed via the Internet to local like-minded sovereigns, and some of these people could present a possible threat to your safety.

While it might not always be possible to identify a sovereign citizen based on vehicle or registration plate indicators, you should be aware of certain key words that sovereigns are likely to use when you contact them. The mention of the following words or sentences is usually an indicator that you are dealing with a sovereign citizen:

- Indigenous
- Aboriginal
- Oath of office
- Who is the party that was harmed?
- Traveling in a private capacity
- Conveyance
- Domicile
- 14th Amendment
- Strawman

While the traffic stop will be unlike any other you experience, you should remember that procedure and enforcement should remain consistent. Priority number one is safety. You need to have the right mindset going into the stop and be prepared for the tactics employed by sovereigns.

Once you identify the individual as a sovereign, it's important to not get wrapped up in the copious amount of paperwork he will produce during the encounter. Identify the paperwork as sovereign propaganda and of no significance to the stop and maintain a high level of officer awareness and safety. Decisive decision making and enforcement of the law is the best way to ensure maximum officer safety and send a clear message that these sovereign tactics are ineffective in your particular jurisdiction.

Finally, call for backup if you sense any physical threat coming from a suspected sovereign citizen. While violent encounters with adherents of this philosophy are rare, they can be sudden and deadly.



The following was taken from a website: [www.PoliceOne.com](http://www.PoliceOne.com) Although somewhat basic, there are some good pointers on handling an encounter with a sovereign citizen:

**A. Proceed with Caution:** The threat to officer safety posed by sovereign citizens is well known. When encountering a suspected sovereign citizen, proceed with extreme caution, employing all necessary tactical officer safety precautions. They may question your authority or where you derive your jurisdiction and inform you that they do not believe in the United States Constitution or any other “illegitimate” government documents from which police powers are derived. In spite of how they present themselves, keep B and C below in mind.

**B. Stay on your game:** Don’t get pulled into a battle of wits based upon sovereign citizen rhetoric. Many of them speak as if they are reading from a script. Often, their mantra is intended simply to throw you off your game. Too often our egos kick in whenever our authority is challenged and we end up arrogantly contributing to the escalation of an argument rather than guiding its de-escalation. Remember you can’t win an argument (other than by arrest) with someone who is absolutely convinced – no matter how irrational their belief is (it is a type of mental illness).

I encourage you to be knowledgeable about the Constitution, the laws of your state and your enforcement options. With sovereign citizens, I suggest you try to de-escalate any situation when you have the opportunity. Also, recognize that the sovereign citizen may attempt to videotape your encounter.

**C. Remain calm and professional:** Don’t engage in an argument. Explain your purpose or intentions as you would in any other circumstance. The fact that you are being challenged does not change your training or what lawful enforcement actions are available to you.

**D. Use tact, patience and persistence.** Don’t get caught up in the rhetoric and remain task oriented. It is difficult to beat a sovereign at their game; therefore you need to find other means for accomplishing the task at hand. Work hard to learn as much as you can about sovereigns through traditional and non-traditional methods and share what you’ve learned.

**E. Beware of fraudulent documents.** Sovereign citizens can be an investigative challenge. Much of their personal identification information, such as birth certificates, driver’s licenses or vehicle tags are fraudulent documents. When asked to provide a name, they may respond that they don’t have a name. They may identify themselves as “the representative of...(their legal name).” If you do receive a name, it may be a

sovereign name, compounded with “El” or “Bey” and intended to denounce their association with the name provided them by a government entity. Be sure to document all known aliases.

**F. Gather Intelligence.** Another challenge faced by investigators is the fact that the sovereign citizen movement is not an organized civil or criminal enterprise. It’s a fractured series of loosely affiliated individuals who adhere to anti-government ideologies. This lack of organization does little to help investigators to get a foothold. However, the more we are able to learn about these unique individuals, the better armed we will be for future encounters and successful prosecutions.

Despite the challenges posed by sovereign citizens, intelligence gathering will be our most valuable investigative tool. Therefore, officers should conduct thorough background checks based upon the information he or she is able to gather.

Obviously, we will look at their criminal records but go beyond that. Make use of every database you can think of, including social media, to learn as much as you can. Consider the areas they frequent, the vehicles they drive, the people they associate with, their interests, hobbies, family, their parole or probationary status, employment or social service benefits status, prior drug/alcohol abuse, scars, marks, tattoos and possible weapons in the home. As much as they proclaim their disdain for the government, they are known to take full advantage of all the government is willing to give them.

**G. Interview and debrief.** Upon arrest, make it a point to talk to these individuals. I don’t mean interrogate them; I mean interview and debrief them. Attempt to learn as much as you can about them. Not only name, birth date., address, phone number and physical description, but also where they work, who they reside with, their marital status, children, emergency contact information and who they might stay with in the event of an emergency. This seems like a standard part of arrestee processing, but what it actually does is gathering intelligence while establishing a dialogue that helps them acquire a level of comfort with being questioned. Proceed by asking curious questions about their sovereign status. Your posture should be one of understanding rather than confrontation. In a non-arrest situation,

**H. Share information.** Communicate all the information you gathered with specialized units within your department or agency. Some departments have an intelligence unit which gathers and records as much information on sovereign citizens in as possible. Communicate with neighboring jurisdictions, state and federal authorities, prosecutors and even your local attorney general’s office.

One reason to share this information is the FBI has recently deemed sovereign citizens paper terrorists. Sovereign citizens have been known to inundate the courts with false or fraudulent documents intended to file lawsuits against law enforcement and other judicial or government officials. Sovereigns may also attempt to place a lien against your personal property.

**I. Conduct surveillance and search warrants.** Conducting surveillance is another beneficial investigative effort. Not only might you want to target them visually but, depending on the circumstances and laws within your state, you may want to consider applying a GPS unit on a target vehicle or installing pole cameras in known sovereign territory. Surveillance will not only serve the purpose of gathering intelligence but also provides vital officer safety information should a search warrant execution be required.

Conduct search warrants whenever probable cause exists. Obviously, an officer will document the probable cause contributing to the case but, if possible, include intelligence/background information on known or suspected sovereigns and their anti-government ideologies. Include items to search for such as anti-government papers, pamphlets, books, false documents and weapons. Their computers and electronic data storage devices can contain information on social media and other websites visited. Hard drives can be of tremendous evidentiary value.

## **J. ABOVE ALL, STAY SAFE**

Be creative, be thorough, but most of all when it comes to sovereign citizens, be safe.

## **Anger Management Skills and Techniques**

The anger management skills, techniques, and strategies that are taught in Dr. Becourtney's [anger management program](#) are largely based on the work of Dr. Tony Fiore and Dr. Ari Novick. Detailed information pertaining to their eight anger control tools can be found in their acclaimed book, *Anger Management for the 21st Century*.

The following is a summary of Dr. Fiore and Dr. Novick's eight **anger management techniques**:

### **Anger Management Technique #1 — Recognize Stress.**

This anger control tool emphasizes the importance of understanding how stress underlies anger and how to reduce stress before it turns into anger.

### **Anger Management Technique #2 — Develop Empathy.**

This anger control skill focuses on the relationship between empathy and anger management and how one can reduce his/her anger by learning how to see things from the perspective of others.

### **Anger Management Technique #3 — Respond Instead of React.**

This anger management technique enables one to *respond* rather than automatically *react* to anger/stress triggers. Human beings have the capacity to *choose* how to express their anger and therefore can learn new ways to more effectively communicate their needs, feelings or requests.

### **Anger Management Technique #4 — Change That Conversation With Yourself.**

This anger control technique involves learning to recognize and modify one's inner conversations. Learning to change that "self-talk" empowers you to deal with anger more effectively in terms of how strongly you feel the anger, how long you hold onto your anger, and how you express your anger.

### **Anger Management Technique #5 — Communicate Assertively.**

This anger management skill is about being able to honestly and effectively communicate how you feel and to respond to things without getting angry or hostile about it.

### **Anger Management Technique #6 — Adjust Expectations.**

Anger is often triggered by a discrepancy between what we expect and what we get. Learning to adjust those expectations—sometimes upward and other times downward—can help us cope with difficult situations or people or even cope with ourselves.

### **Anger Management Technique #7 — Forgive, but Don't Forget!**

Resentment is a form of anger that does more damage to the holder than the offender. Making a decision to "let go" (while still protecting ourselves) is often a process of forgiveness—or at least acceptance—and a major step toward anger control.

### **Anger Management Technique #8 — Retreat and Think Things Over!**

This anger management tool consists of removing yourself from the situation and taking a temporary "time-out" while sticking to some basic rules that are described in Dr. Fiore and Dr. Novick's acclaimed book, [Anger Management for the 21st Century](#).

## "Eliminating YOU Messages"

by Ron Huxley

**Anger Thought:** "You need to change!" Did that sentence feel good? Probably not. No one likes to have the finger or blame" pointed at them. When a sentence starts off with the word "you" it creates a defensiveness in the other person that rarely results in the desired change. Change is much more likely if a sentence starts off with "I" instead of "You." For example: "I need to have this room cleaned up" or "I am frustrated that the report was not turned in on time." Using **"I" messages** versus **"You" messages** decreases defensiveness in the other person and allows us to own our own thoughts and feelings about a situation. A child may not care if the room is ever cleaned up. An employee may have no problems with a late report. They don't own the problem but they may need to make a change for a problem that you own.

**Anger Action Plan:** Before confronting another person about a problem you are having with them, stop and think about how you will phrase that issue. Start your sentence with the word "I." Follow it with a feeling word or action step. Don't sneak the "You" word in there. For example, saying: "I need YOU to take care of this room" is a disguised "You" sentence. Instead say: "I am upset that this room is not cleaned up by now. Please take care of it by 6 p.m. or the consequence will be not going out tonight." It may take some practice eliminating the "You" messages but doing so will dramatically improve your ability to get things changed!

## What is Anger?

### The Nature of Anger

Anger is "an emotional state that varies in intensity from mild irritation to intense fury and rage," according to Charles Spielberger, PhD, a psychologist who specializes in the study of anger. Like other emotions, it is accompanied by physiological and biological changes; when you get angry, your heart rate and blood pressure go up, as do the levels of your energy hormones, adrenaline, and noradrenaline.

Anger can be caused by both external and internal events. You could be angry at a specific person (Such as a coworker or supervisor) or event (a traffic jam, a canceled flight), or your anger could be caused by worrying or brooding about your personal problems. Memories of traumatic or enraging events can also trigger angry feelings.

### Expressing Anger

The instinctive, natural way to express anger is to respond aggressively. Anger is a natural, adaptive response to threats; it inspires powerful, often aggressive, feelings and behaviors, which allow us to fight and to defend ourselves when we are attacked. A certain amount of anger, therefore, is necessary to our survival.

On the other hand, we can't physically lash out at every person or object that irritates or annoys us; laws, social norms, and common sense place limits on how far our anger can take us.

People use a variety of both conscious and unconscious processes to deal with their angry feelings. The three main approaches are expressing, suppressing, and calming. Expressing your angry feelings in an assertive—not aggressive—manner is the healthiest way to express anger.

To do this, you have to learn how to make clear what your needs are, and how to get them met, without hurting others. Being assertive doesn't mean being pushy or demanding; it means being respectful of yourself and others.

Anger can be suppressed, and then converted or redirected. This happens when you hold in your anger, stop thinking about it, and focus on something positive. The aim is to inhibit or suppress your anger and convert it into more constructive behavior. The danger in this type of response is that if it isn't allowed outward expression, your anger can turn inward—on yourself. Anger turned inward may cause hypertension, high blood pressure, or depression.

Unexpressed anger can create other problems. It can lead to pathological expressions of anger, such as passive-aggressive behavior (getting back at people indirectly, without telling them why, rather than confronting them head-on) or a personality that seems perpetually cynical and hostile. People who are constantly putting others down, criticizing everything, and making cynical comments haven't learned how to constructively express their anger. Not surprisingly, they aren't likely to have many successful relationships.

Finally, you can calm down inside. This means not just controlling your outward behavior, but also controlling your internal responses, taking steps to lower your heart rate, calm yourself down, and let the feelings subside.

As Dr. Spielberger notes, "when none of these three techniques work, that's when someone—or something—is going to get hurt."

The goal of anger management is to reduce both your emotional feelings and the physiological arousal that anger causes. You can't get rid of, or avoid, the things or the people that enrage you, nor can you change them, but you can learn to control your reactions.

### **Are You Too Angry?**

There are psychological tests that measure the intensity of angry feelings, how prone to anger you are, and how well you handle it. But chances are good that if you do have a problem with anger, you already know it. If you find yourself acting in ways that seem out of control and frightening, you might need help finding better ways to deal with this emotion.

### **Why Are Some People More Angry Than Others?**

According to Jerry Deffenbacher, PhD, a psychologist who specializes in anger management, some people really are more "hotheaded" than others are; they get angry more easily and more intensely than the average person does. There are also those who don't show their anger in loud spectacular ways but are chronically irritable and grumpy. Easily angered people don't always curse and throw things; sometimes they withdraw socially, sulk, or get physically ill.

People who are easily angered generally have what some psychologists call a low tolerance for frustration, meaning simply that they feel that they should not have to be subjected to frustration,

inconvenience, or annoyance. They can't take things in stride, and they're particularly infuriated if the situation seems somehow unjust: for example, being corrected for a minor mistake.

What makes these people this way? A number of things. One cause may be genetic or physiological: There is evidence that some children are born irritable, touchy, and easily angered, and that these signs are present from a very early age. Another may be sociocultural. Anger is often regarded as negative; we're taught that it's all right to express anxiety, depression, or other emotions but not to express anger. As a result, we don't learn how to handle it or channel it constructively.

Research has also found that family background plays a role. Typically, people who are easily angered come from families that are disruptive, chaotic, and not skilled at emotional communications.

### **Is It Good To "Let it All Hang Out?"**

Psychologists now say that this is a dangerous myth. Some people use this theory as a license to hurt others. Research has found that "letting it rip" with anger actually escalates anger and aggression and does nothing to help you (or the person you're angry with) resolve the situation.

It's best to find out what it is that triggers your anger, and then to develop strategies to keep those triggers from tipping you over the edge.

### **Relaxation**

Simple relaxation tools, such as deep breathing and relaxing imagery, can help calm down angry feelings. There are books and courses that can teach you relaxation techniques, and once you learn the techniques, you can call upon them in any situation. If you are involved in a relationship where both partners are hot-tempered, it might be a good idea for both of you to learn these techniques.

Some simple steps you can try:

- Breathe deeply, from your diaphragm; breathing from your chest won't relax you. Picture your breath coming up from your "gut."
- Slowly repeat a calm word or phrase such as "relax," "take it easy." Repeat it to yourself while breathing deeply.
- Use imagery; visualize a relaxing experience, from either your memory or your imagination.
- Nonstrenuous, slow yoga-like exercises can relax your muscles and make you feel much calmer.

Practice these techniques daily. Learn to use them automatically when you're in a tense situation.

### **Cognitive Restructuring**

Simply put, this means changing the way you think. Angry people tend to curse, swear, or speak in highly colorful terms that reflect their inner thoughts. When you're angry, your thinking can get very exaggerated and overly dramatic. Try replacing these thoughts with more rational ones. For instance, instead of telling yourself, "oh, it's awful, it's terrible, everything's ruined," tell yourself, "it's frustrating, and it's understandable that I'm upset about it, but it's not the end of the world and getting angry is not going to fix it anyhow."

Be careful of words like "never" or "always" when talking about yourself or someone else. "This !&\*% @ machine never works," or "you're always forgetting things" are not just inaccurate, they also serve to make you feel that your anger is justified and that there's no way to solve the problem. They also alienate and humiliate people who might otherwise be willing to work with you on a solution.

Remind yourself that getting angry is not going to fix anything, that it won't make you feel better (and may actually make you feel worse).

Logic defeats anger, because anger, even when it's justified, can quickly become irrational. So use cold hard logic on yourself. Remind yourself that the world is "not out to get you," you're just experiencing some of the rough spots of daily life. Do this each time you feel anger getting the best of you, and it'll help you get a more balanced perspective. Angry people tend to demand things: fairness, appreciation, agreement, willingness to do things their way. Everyone wants these things, and we are all hurt and disappointed when we don't get them, but angry people demand them, and when their demands aren't met, their disappointment becomes anger. As part of their cognitive restructuring, angry people need to become aware of their demanding nature and translate their expectations into desires. In other words, saying, "I would like" something is healthier than saying, "I demand" or "I must have" something. When you're unable to get what you want, you will experience the normal reactions—frustration, disappointment, hurt—but not anger. Some angry people use this anger as a way to avoid feeling hurt, but that doesn't mean the hurt goes away.

## **Problem Solving**

Sometimes, our anger and frustration are caused by very real and inescapable problems in our lives. Not all anger is misplaced, and often it's a healthy, natural response to these difficulties. There is also a cultural belief that every problem has a solution, and it adds to our frustration to find out that this isn't always the case. The best attitude to bring to such a situation, then, is not to focus on finding the solution, but rather on how you handle and face the problem.

Make a plan, and check your progress along the way. Resolve to give it your best, but also not to punish yourself if an answer doesn't come right away. If you can approach it with your best intentions and efforts and make a serious attempt to face it head-on, you will be less likely to lose patience and fall into all-or-nothing thinking, even if the problem does not get solved right away.

## **Better Communication**



Angry people tend to jump to—and act on—conclusions, and some of those conclusions can be very inaccurate. The first thing to do if you're in a heated discussion is slow down and think through your responses. Don't say the first thing that comes into your head, but slow down and think carefully about what you want to say. At the same time, listen carefully to what the other person is saying and take your time before answering.

Listen, too, to what is underlying the anger. For instance, you like a certain amount of freedom and personal space, and your "significant other" wants more connection and closeness. If he or she starts complaining about your activities, don't retaliate by painting your partner as a jailer, a warden, or an albatross around your neck.

It's natural to get defensive when you're criticized, but don't fight back. Instead, listen to what's underlying the words: the message that this person might feel neglected and unloved. It may take a lot of patient questioning on your part, and it may require some breathing space, but don't let your anger—or a partner's—let a discussion spin out of control. Keeping your cool can keep the situation from becoming a disastrous one.

## **Using Humor**

"Silly humor" can help defuse rage in a number of ways. For one thing, it can help you get a more balanced perspective. When you get angry and call someone a name or refer to them in some imaginative phrase, stop and picture what that word would literally look like. If you're at work and you think of a coworker as a "dirtbag" or a "single-cell life form," for example, picture a large bag full of dirt (or an amoeba) sitting at your colleague's desk, talking on the phone, going to meetings. Do this whenever a name comes into your head about another person. If you can, draw a picture of what the actual thing might look like. This will take a lot of the edge off your fury; and humor can always be relied on to help unknot a tense situation.

The underlying message of highly angry people, Dr. Deffenbacher says, is "things oughta go my way!" Angry people tend to feel that they are morally right, that any blocking or changing of their plans is an unbearable indignity and that they should NOT have to suffer this way. Maybe other people do, but not them!

When you feel that urge, he suggests, picture yourself as a god or goddess, a supreme ruler, who owns the streets and stores and office space, striding alone and having your way in all situations while others defer to you. The more detail you can get into your imaginary scenes, the more chances you have to realize that maybe you are being unreasonable; you'll also realize how unimportant the things you're angry about really are. There are two cautions in using humor. First, don't try to just "laugh off" your problems; rather, use humor to help yourself face them more constructively. Second, don't give in to harsh, sarcastic humor; that's just another form of unhealthy anger expression.

What these techniques have in common is a refusal to take yourself too seriously. Anger is a serious emotion, but it's often accompanied by ideas that, if examined, can make you laugh.

## **Changing Your Environment**

Sometimes it's our immediate surroundings that give us cause for irritation and fury. Problems and responsibilities can weigh on you and make you feel angry at the "trap" you seem to have fallen into and all the people and things that form that trap.

Give yourself a break. Make sure you have some "personal time" scheduled for times of the day that you know are particularly stressful. One example is the working mother who has a standing rule that when she comes home from work, for the first 15 minutes "nobody talks to Mom unless the house is on fire." After this brief quiet time, she feels better prepared to handle demands from her kids without blowing up at them.

### **Some Other Tips for Easing Up on Yourself**

**Timing:** If you and your spouse tend to fight when you discuss things at night—perhaps you're tired, or distracted, or maybe it's just habit—try changing the times when you talk about important matters so these talks don't turn into arguments.

**Avoidance:** If your child's chaotic room makes you furious every time you walk by it, shut the door. Don't make yourself look at what infuriates you. Don't say, "well, my child should clean up the room so I won't have to be angry!" That's not the point. The point is to keep yourself calm.

**Finding alternatives:** If your daily commute through traffic leaves you in a state of rage and frustration, give yourself a project—learn or map out a different route, one that's less congested or more scenic. Or find another alternative, such as a bus or commuter train.

If you feel that your anger is really out of control, if it is having an impact on your relationships and on important parts of your life, you might consider counseling to learn how to handle it better. A psychologist or other licensed mental health professional can work with you in developing a range of techniques for changing your thinking and your behavior.

When you talk to a prospective therapist, tell her or him that you have problems with anger that you want to work on, and ask about his or her approach to anger management. Make sure this isn't only a course of action designed to "put you in touch with your feelings and express them"—that may be precisely what your problem is. With counseling, psychologists say, a highly angry person can move closer to a middle range of anger in about 8 to 10 weeks, depending on the circumstances and the techniques used.

### **What About Assertiveness Training?**

It's true that angry people need to learn to become assertive (rather than aggressive), but most books and courses on developing assertiveness are aimed at people who don't feel enough anger. These people are more passive and acquiescent than the average person; they tend to let others walk all over them. That isn't something that most angry people do. Still, these books can contain some useful tactics to use in frustrating situations.

Remember, you can't eliminate anger—and it wouldn't be a good idea if you could. In spite of all your efforts, things will happen that will cause you anger; and sometimes it will be justifiable

anger. Life will be filled with frustration, pain, loss, and the unpredictable actions of others. You can't change that; but you can change the way you let such events affect you. Controlling your angry responses can keep them from making you even more unhappy in the long run.

History turns out to be the most contemporary of arts, reflecting the time in which it is written more faithfully than the time it describes. Leopold von Ranke's ideal of a "scientific" history that would describe the past *wie es eigentlich gewesen* -- just as it actually was -- was always a delusion. For time is so constructed that we cannot escape our own era, its prejudices and predilections. For good or ill.

## Preamble

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

The Code of Judicial Conduct is not intended as an exhaustive guide for the conduct of judges. They should also be governed in their judicial and personal conduct by general ethical standards. The Code is intended, however, to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.

### ***CANON 1***

#### ***Upholding the Integrity and Independence of the Judiciary***

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary is preserved. The provisions of this Code are to be construed and applied to further that objective.

### ***CANON 2***

#### ***Avoiding Impropriety and the Appearance of Impropriety In All of the Judge's Activities***

A. A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others;

nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.

C. A judge shall not knowingly hold membership in any organization that practices discrimination prohibited by law.

### **CANON 3**

#### ***Performing the Duties of Judicial Office Impartially and Diligently***

**A. Judicial Duties in General.** The judicial duties of a judge take precedence over all the judge's other activities. Judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

**B. Adjudicative Responsibilities.**

- (1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.
- (2) A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.
- (3) A judge shall require order and decorum in proceedings before the judge.
- (4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.
- (5) A judge shall perform judicial duties without bias or prejudice.
- (6) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not knowingly permit staff, court officials and others subject to the judge's direction and control to do so.
- (7) A judge shall require lawyers in proceedings before the court to refrain from manifesting, by words or conduct, bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status against parties, witnesses, counsel or others. This requirement does not preclude legitimate advocacy when any of these factors is an issue in the proceeding.
- (8) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the

merits of a pending or impending judicial proceeding. A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control. This subsection does not prohibit:

- (a) communications concerning uncontested administrative or uncontested procedural matters;
  - (b) conferring separately with the parties and/or their lawyers in an effort to mediate or settle matters, provided, however, that the judge shall first give notice to all parties and not thereafter hear any contested matters between the parties except with the consent of all parties;
  - (c) obtaining the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond;
  - (d) consulting with other judges or with court personnel;
  - (e) considering an *ex parte* communication expressly authorized by law.
- (9) A judge should dispose of all judicial matters promptly, efficiently and fairly.
- (10) A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge's court in a manner which suggests to a reasonable person the judge's probable decision on any particular case. This prohibition applies to any candidate for judicial office, with respect to judicial proceedings pending or impending in the court on which the candidate would serve if elected. A judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. This section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This section does not apply to proceedings in which the judge or judicial candidate is a litigant in a personal capacity.
- (11) A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information acquired in a judicial capacity. The discussions, votes, positions taken, and writings of appellate judges and court personnel about causes are confidences of the court and shall be revealed only through a court's judgment, a written opinion or in accordance with Supreme Court guidelines for a court approved history project.

### **C. Administrative Responsibilities.**

- (1) A judge should diligently and promptly discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.
- (2) A judge should require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge with supervisory authority for the judicial performance of other judges should take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.

(4) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered.

(5) A judge shall not fail to comply with Rule 12 of the Rules of Judicial Administration, knowing that the failure to comply is in violation of the rule.

#### **D. Disciplinary Responsibilities.**

(1) A judge who receives information clearly establishing that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the State Commission on Judicial Conduct or take other appropriate action.

(2) A judge who receives information clearly establishing that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Office of the General Counsel of the State Bar of Texas or take other appropriate action.

#### **CANON 4**

#### ***Conducting the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations***

**A. Extra-Judicial Activities in General.** A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge; or
- (2) interfere with the proper performance of judicial duties.

**B. Activities to Improve the Law.** A judge may:

- (1) speak, write, lecture, teach and participate in extra-judicial activities concerning the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code; and,
- (2) serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may

assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He or she may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system and the administration of justice.

**C. Civic or Charitable Activities.** A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the profit of its members, subject to the following limitations:

- (1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly or frequently engaged in adversary proceedings in any court.
- (2) A judge shall not solicit funds for any educational, religious, charitable, fraternal or civic organization, but may be listed as an officer, director, delegate, or trustee of such an organization, and may be a speaker or a guest of honor at an organization's fund raising events.
- (3) A judge should not give investment advice to such an organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

**D. Financial Activities.**

- (1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of the judicial duties, exploit his or her judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves. This limitation does not prohibit either a judge or candidate from soliciting funds for appropriate campaign or officeholder expenses as permitted by state law.
- (2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business. A judge shall not be an officer, director or manager of a publicly owned business. For purposes of this Canon, a "publicly owned business" is a business having more than ten owners who are not related to the judge by consanguinity or affinity within the third degree of relationship.
- (3) A judge should manage any investments and other economic interests to minimize the number of cases in which the judge is disqualified. As soon as the judge can do so without serious financial detriment, the judge should divest himself or herself of investments and other economic interests that might require frequent disqualification. A judge shall be informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to be informed about the personal economic interests of any family member residing in the judge's household.

(4) Neither a judge nor a family member residing in the judge's household shall accept a gift, bequest, favor, or loan from anyone except as follows:

(a) a judge may accept a gift incident to a public testimonial to the judge; books and other resource materials supplied by publishers on a complimentary basis for official use; or an invitation to the judge and spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

(b) a judge or a family member residing in the judge's household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a gift from a friend for a special occasion such as a wedding, engagement, anniversary, or birthday, if the gift is fairly commensurate with the occasion and the relationship; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

(c) a judge or a family member residing in the judge's household may accept any other gift, bequest, favor, or loan only if the donor is not a party or person whose interests have come or are likely to come before the judge;

(d) a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member residing in the judge's household, including gifts, awards and benefits for the use of both the spouse or other family member and the judge (as spouse or family member), provided the gift, award or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties.

#### **E. Fiduciary Activities.**

(1) A judge shall not serve as executor, administrator or other personal representative, trustee, guardian, attorney in fact or other fiduciary, except for the estate, trust or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties.

(2) A judge shall not serve as a fiduciary if it is likely that the judge as a fiduciary will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.

(3) The same restrictions on financial activities that apply to a judge personally also apply to the judge while acting in a fiduciary capacity.

**F. Service as Arbitrator or Mediator.** An active full-time judge shall not act as an arbitrator or mediator for compensation outside the judicial system, but a judge may encourage settlement in the performance of official duties.



**G. Practice of Law.** A judge shall not practice law except as permitted by statute or this Code. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.

**H. Extra-Judicial Appointments.** Except as otherwise provided by constitution and statute, a judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

**I. Compensation, Reimbursement and Reporting.**

(1) Compensation and Reimbursement. A judge may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge's performance of judicial duties or otherwise give the appearance of impropriety.

(a) Compensation shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity.

(b) Expense reimbursement shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's family. Any payment in excess of such an amount is compensation.

(2) Public Reports. A judge shall file financial and other reports as required by law.

**CANON 5**

***Refraining From Inappropriate Political Activity***

(1) A judge or judicial candidate shall not:

(i) make pledges or promises of conduct in office regarding pending or impending cases, specific classes of cases, specific classes of litigants, or specific propositions of law that would suggest to a reasonable person that the judge is predisposed to a probable decision in cases within the scope of the pledge;

(ii) knowingly or recklessly misrepresent the identity, qualifications, present position, or other fact concerning the candidate or an opponent; or

(iii) make a statement that would violate Canon 3B(10).

(2) A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office, except that either may indicate support for a political party. A judge or judicial candidate may attend political events and express his or her views on political matters in accord with this Canon and Canon 3B(10).

(3) A judge shall resign from judicial office upon becoming a candidate in a contested election for a non-judicial office either in a primary or in a general or in a special election. A judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention or while being a candidate for election to any judicial office.

(4) A judge or judicial candidate subject to the Judicial Campaign Fairness Act, Tex. Elec. Code §253.151, *et seq.* (the “Act”), shall not knowingly commit an act for which he or she knows the Act imposes a penalty. Contributions returned in accordance with Sections 253.155(e), 253.157(b) or 253.160(b) of the Act are not a violation of this paragraph.

#### COMMENT

A statement made during a campaign for judicial office, whether or not prohibited by this Canon, may cause a judge's impartiality to be reasonably questioned in the context of a particular case and may result in recusal.

### **CANON 6**

#### ***Compliance with the Code of Judicial Conduct***

##### **A. The following persons shall comply with all provisions of this Code:**

(1) An active, full-time justice or judge of one of the following courts:

- (a) the Supreme Court,
- (b) the Court of Criminal Appeals,
- (c) courts of appeals,
- (d) district courts,
- (e) criminal district courts, and
- (f) statutory county courts.

(2) A full-time commissioner, master, magistrate, or referee of a court listed in (1) above.

##### **B. A County Judge who performs judicial functions shall comply with all provisions of this Code except the judge is not required to comply:**

- (1) when engaged in duties which relate to the judge's role in the administration of the county;
- (2) with Canons 4D(2), 4D(3), or 4H;

(3) with Canon 4G, except practicing law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the county court, or acting as a lawyer in a proceeding in which he or she has served as a judge or in any proceeding related thereto.

(4) with Canon 5(3).

**C. Justices of the Peace and Municipal Court Judges.**

(1) A justice of the peace or municipal court judge shall comply with all provisions of this Code, except the judge is not required to comply:

(a) with Canon 3B(8) pertaining to *ex parte* communications; in lieu thereof a justice of the peace or municipal court judge shall comply with 6C(2) below;

(b) with Canons 4D(2), 4D(3), 4E, or 4H;

(c) with Canon 4F, unless the court on which the judge serves may have jurisdiction of the matter or parties involved in the arbitration or mediation; or

(d) if an attorney, with Canon 4G, except practicing law in the court on which he or she serves, or acting as a lawyer in a proceeding in which he or she has served as a judge or in any proceeding related thereto.

(e) with Canons 5(3).

(2) A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding. This subsection does not prohibit communications concerning:

(a) uncontested administrative matters,

(b) uncontested procedural matters,

(c) magistrate duties and functions,

(d) determining where jurisdiction of an impending claim or dispute may lie,

(e) determining whether a claim or dispute might more appropriately be resolved in some other judicial or non-judicial forum,

(f) mitigating circumstances following a plea of *nolo contendere* or guilty for a fine-only offense, or

(g) any other matters where *ex parte* communications are contemplated or authorized by law.

**D. A Part-time commissioner, master, magistrate, or referee of a court listed in 6A(1) above:**

- (1) shall comply with all provisions of this Code, except he or she is not required to comply with Canons 4D(2), 4E, 4F, 4G or 4H, and
- (2) should not practice law in the court which he or she serves or in any court subject to the appellate jurisdiction of the court which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a commissioner, master, magistrate, or referee, or in any other proceeding related thereto.

**E. A Judge Pro Tempore, while acting as such:**

- (1) shall comply with all provisions of this Code applicable to the court on which he or she is serving, except he or she is not required to comply with Canons 4D(2), 4D(3), 4E, 4F, 4G or 4H, and
- (2) after serving as a judge pro tempore, should not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

**F. A Senior Judge, or a former appellate or district judge, or a retired or former statutory county court judge who has consented to be subject to assignment as a judicial officer:**

- (1) shall comply with all the provisions of this Code except he or she is not required to comply with Canon 4D(2), 4E, 4F, 4G, or 4H, but
- (2) should refrain from judicial service during the period of an extra-judicial appointment not permitted by Canon 4H.

**G. Candidates for Judicial Office.**

- (1) Any person seeking elective judicial office listed in Canon 6A(1) shall be subject to the same standards of Canon 5 that are required of members of the judiciary.
- (2) Any judge who violates this Code shall be subject to sanctions by the State Commission on Judicial Conduct.
- (3) Any lawyer who is a candidate seeking judicial office who violates Canon 5 or other relevant provisions of this Code is subject to disciplinary action by the State Bar of Texas.
- (4) The conduct of any other candidate for elective judicial office, not subject to paragraphs (2) and (3) of this section, who violates Canon 5 or other relevant provisions of the Code is subject to review by the Secretary of State, the Attorney General, or the local District Attorney for appropriate action.

## **H. Attorneys.**

Any lawyer who contributes to the violation of Canons 3B(7), 3B(10), 4D(4), 5, or 6C(2), or other relevant provisions of this Code, is subject to disciplinary action by the State Bar of Texas.

### ***CANON 7***

#### ***Effective Date of Compliance***

A person to whom this Code becomes applicable should arrange his or her affairs as soon as reasonably possible to comply with it.

### ***CANON 8***

#### ***Construction and Terminology of the Code***

## **A. Construction.**

The Code of Judicial Conduct is intended to establish basic standards for ethical conduct of judges. It consists of specific rules set forth in Sections under broad captions called Canons.

The Sections are rules of reason, which should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

The Code is designed to provide guidance to judges and candidates for judicial office and to provide a structure for regulating conduct through the State Commission on Judicial Conduct. It is not designed or intended as a basis for civil liability or criminal prosecution. Furthermore, the purpose of the Code would be subverted if the Code were invoked by lawyers for mere tactical advantage in a proceeding.

It is not intended, however, that every transgression will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system.

## **B. Terminology.**

(1) "Shall" or "shall not" denotes binding obligations the violation of which can result in disciplinary action.

(2) "Should" or "should not" relates to aspirational goals and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined.

(3) "May" denotes permissible discretion or, depending on the context, refers to action that is not covered by specific proscriptions.

(4) "De minimis" denotes an insignificant interest that could not raise reasonable question as to a judge's impartiality.

(5) "Economic interest" denotes ownership of a more than de minimis legal or equitable interest, or a relationship as officer, director, advisor or other active participant in the affairs of a party, except that:

(i) ownership of an interest in a mutual or common investment fund that holds securities is not an economic interest in such securities unless the judge participates in the management of the fund or a proceeding pending or impending before the judge could substantially affect the value of the interest;

(ii) service by a judge as an officer, director, advisor or other active participant, in an educational, religious, charitable, fraternal, or civic organization or service by a judge's spouse, parent or child as an officer, director, advisor or other active participant in any organization does not create an economic interest in securities held by that organization;

(iii) a deposit in a financial institution, the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association or of a member in a credit union, or a similar proprietary interest, is not an economic interest in the organization unless a proceeding pending or impending before the judge could substantially affect the value of the interest; and

(iv) ownership of government securities is not an economic interest in the issuer unless a proceeding pending or impending before the judge could substantially affect the value of the securities.

(6) "Fiduciary" includes such relationships as executor, administrator, trustee, and guardian.

(7) "Knowingly," "knowledge," "known" or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

(8) "Law" denotes court rules as well as statutes, constitutional provisions and decisional law.

(9) "Member of the judge's (or the candidate's) family" denotes a spouse, child, grandchild, parent, grandparent or other relative or person with whom the candidate maintains a close familial relationship.

(10) "Family member residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides at the judge's household.

(11) "Require." The rules prescribing that a judge "require" certain conduct of others are, like all of the rules in this Code, rules of reason. The use of the term "require" in that context means a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge's direction and control.

(12) "Third degree of relationship."The following persons are relatives within the third degree of relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.

(13) "Retired Judge" means a person who receives from the Texas Judicial Retirement System, Plan One or Plan Two, an annuity based on service that was credited to the system.(Secs. 831.001 and 836.001,V.T.C.A. Government Code [Ch. 179, Sec. 1, 71st Legislature (1989)]

(14) "Senior Judge" means a retired appellate or district judge who has consented to be subject to assignment pursuant to Section 75.001, Government Code. [Ch. 359, 69th Legislature, Reg. Session (1985)]

(15) "Statutory County Court Judge" means the judge of a county court created by the legislature under Article V, Section 1, of the Texas Constitution, including county courts at law, statutory probate courts, county criminal courts, county criminal courts of appeals, and county civil courts at law. (Sec. 21.009, V.T.C.A. Government Code [Ch. 2, Sec. 1601(18), 71st Legislature (1989)])





(16) "County Judge" means the judge of the county court created in each county by Article V, Section 15, of the Texas Constitution.(Sec. 21.009, V.T.C.A. Government Code [Ch. 2, Sec. 1601(18), 71st Legislature (1989)])

(17) "Part-time" means service on a continuing or periodic basis, but with permission by law to devote time to some other profession or occupation and for which the compensation for that reason is less than that for full-time service.



(18) "Judge Pro Tempore" means a person who is appointed to act temporarily as a judge.

# THE PUBLIC SERVANT QUESTIONNAIRE



## *Key Points:*

-  An American does not have to speak with a government agent unless the citizen has been arrested.
-  Americans have a right to privacy, to be left alone.
-  The PRIVACY ACT OF 1974 (Public Law 93-579), empowers citizens to require full, written disclosure from a government official who seeks information.
-  You may insist on complete disclosure as a precondition to speaking with any government official.

## *The Limits On Federal Power:*

-  Law-abiding citizens are sometimes visited by agents of the Federal government for no apparent reason. It is helpful, at the time of these visits, to recall that unless a citizen has been placed under arrest (either because a law enforcement officer has probable cause to believe the citizen has committed a crime or because the officer has in his possession an arrest warrant issued by a judge who believes there is probable cause the citizen has committed a crime, a citizen does not have to entertain the company of government agents.
-  Citizens also have the right, guaranteed by the Fifth Amendment to the United States Constitution, not to testify against themselves. Thus, when "the government" comes knocking on one's door, you have the right to simply say, "Please go away." Unless the government officer places you under arrest (there must be probable cause, or an arrest warrant based on probable cause), the officer must obey your wishes.

## *Be Helpful.... On Your Terms*

-  Of course, citizens also have a vested interest in assisting "the government" in its role of crime-solver. Most of us understand the need to help "the government" to apprehend criminals. But it is also helpful, when "the government" arrives at your place of employment or at your home, to know how to find out why government agents have appeared on YOUR doorstep.
-  A handy little questionnaire that I came across years ago will do the trick. It's called the "Public Servant Questionnaire." A version



accompanies this article. The "PSQ" was developed by Lynn Johnston, author of *Who's Afraid of the IRS?* (Libertarian Review Foundation: 1983, ISBN 0-930073-03-7).



The PSQ is based on the requirements placed upon the government by the Privacy Act of 1974 (Public Law 93-579), an amending law to Title 5, United States Code, Section 552, and is included as Section 552a.



If a citizen chooses to cooperate with government officials who are seeking information, BEFORE questioning begins, the citizen should politely inform the government agent or agents that a prerequisite for the citizen's cooperation with "the government" is the agent's cooperation with the citizen.

## ***Do It Right, The First Time***



The questions should then be put to each agent, and the citizen should enter the answers onto the questionnaire. Copies should be provided to each agent, either at the time of the questioning or by mail to the agent after the visit. The questionnaire informs the government agent that the citizen knows his rights and knows which limited powers the government agent has been granted by the people.



Most probably some government agents will not want to fill out or sign the PSQ. That's fine. They can then be sent on their merry way. They may need to explain to their superiors, and a court of law, and a jury, on another day, why they refused to cooperate with the reasonable questions of the highest officeholder in the land, a citizen.

5 USC 552a (e)(3) authorizes a sovereign natural person ("Citizen") to use this form to collect information from the Public Servant to determine whether to divulge information to the Public Servant and employing Agency. Public Law 93-579 states: "*The purpose of this Act is to provide certain safeguards for an individual against invasion of personal privacy requiring Federal agencies... to permit an individual to determine what records pertaining to him are collected, maintained, used or disseminated by such agencies...*"

PUBLIC SERVANT'S QUESTIONNAIRE (Refer to Privacy Act of 1974)					
Public Servant Full Name				ID # <input type="checkbox"/> Refused?	
Driver License # <input type="checkbox"/> Refused?			Badge # <input type="checkbox"/> Refused?		
Residence Address	Street	City		State	Zip
Office Mail Address	Street	City		State	Zip
Employing Agency or Dept			Supervisor's Name		
1. Will Public Servant uphold the Constitution of the United States of America (required by USA & State Constitution & Law)? <input type="checkbox"/> Yes <input type="checkbox"/> No			2. Will Public Servant furnish a copy of the law or regulation which authorizes this investigation (5 USC 552a (e) (3) (A))? <input type="checkbox"/> Yes <input type="checkbox"/> No		
3. Will Public Servant read aloud that portion of the law authorizing the questions Public Servant will ask (5 USC 552a (e) (3) (A))? <input type="checkbox"/> Yes <input type="checkbox"/> No			4. What prerogative does Citizen have in giving answers to Public Servant questions (5 USC 552a (e) (3) (A))? <input type="checkbox"/> Voluntary <input type="checkbox"/> Mandatory		
5. What basis exists for asking the intended questions (5 USC 552a (d) (5), (e) (1))? <input type="checkbox"/> Specific law or regulation <input type="checkbox"/> Used as a discovery process			6. What nature does this investigation have (5 USC 552a (e) (3) (A))? <input type="checkbox"/> General (multiple people involved) <input type="checkbox"/> Special (one person involved)		
7. Does Public Servant reasonably anticipate that any information sought or collected in this investigation will form the basis of or lead to criminal action against Citizen or any other entity? <input type="checkbox"/> Yes <input type="checkbox"/> No			8. Will Public Servant guarantee only the department employing Public Servant will use the information or derivative thereof supplied by Citizen in this investigation (5 USC 552a (e) (10))? <input type="checkbox"/> Yes <input type="checkbox"/> No		
9. Name all files of records, information, or correspondence related to Citizen that Agency maintains (PL 93-579 (b) (1))? →			<input type="checkbox"/> None		
10. Give the full name of the person in government requesting that Public Servant conduct this investigation (PL 93-579 (b) (1)) →			<input type="checkbox"/> No One		
11. Name and identify all third parties Public Servant consulted, questioned, interviewed, or received information from any third party relative to this investigation (5 USC 552a (e) (2), (d) (5)). →			<input type="checkbox"/> None		
12. Name all other agencies or government sources that supplied any information pertaining to Citizen (PL 93-579 (b) (1))? →			<input type="checkbox"/> None		
13. May Citizen have a copy of all information pertaining to Citizen that other agencies or government sources supplied (5 USC 552a (d) (1))? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, state authority for withholding info) →			<input type="checkbox"/> No Authority		
14. What other uses may be made of this information (5 USC 552a (e) (3) (B), (e) (3) (C))? →		<input type="checkbox"/> None			
15. What other agencies may have access to this information (5 USC 552a (e) (3) (B), (e) (3) (C))? →		<input type="checkbox"/> None			
16. What will be the effect upon Citizen if Citizen should choose not to answer any part of these questions (5 USC 552a (e) (3) (D))? →		<input type="checkbox"/> None			
Public Servant Affirmation: I swear or affirm under penalty of perjury that I have answered the foregoing questions correctly and completely in every particular. →			Wet ink signature of Public Servant _____ Date _____		
Citizen's Witnessing Name and Signature <input type="checkbox"/> Administered Oath _____ Date _____			Witness Name and Signature _____ Date _____		

Note: Citizen may administer oath to Public Servant if no one else exists to witness Public Servant affirmation.



September 2011

# **FBI** **Law Enforcement** **Bulletin**



# **TERRORISM**



September 2011  
Volume 80  
Number 9

United States  
Department of Justice  
Federal Bureau of Investigation  
Washington, DC 20535-0001

Robert S. Mueller III  
Director

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# FBI Law Enforcement Bulletin

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# FOCUS ON TERRORISM

**I**n the decade since September 11, 2001, the United States has had many successes against terrorism, from thwarting the plot to detonate liquid bombs aboard airlines to the death of Usama Bin Ladin earlier this year. Yet, the threat has not disappeared. If anything, it has become more prevalent and continues to change quickly. While the United States successfully has disrupted al Qaeda and dismantled some of its operations, the group remains a powerful force, influencing its followers and motivating new ones. Other groups, such as al Qaeda in the Arabian Peninsula, not only have demonstrated their intent to attack the United States and its allies but shown their ability to inspire others to develop and carry out their own attacks. In the last several years, these efforts have fueled a steady stream of plots against U.S. citizens and targets by those living in America—home-grown violent extremists—who increasingly are fueled by easy-access Internet propaganda.

Because of these rapid transformations, the International Association of Chiefs of Police Committee on Terrorism requested that this issue of the FBI Law Enforcement Bulletin focus on the evolving terrorism threat to both U.S. interests overseas and in its homeland. The committee first undertook this effort in the March 1999 issue of the magazine and again in December 2007 to focus on the post-9/11 threat. In the 4 years since the 2007 edition, the threat has changed

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significantly as America's adversaries use innovative approaches to avoid detection and carry out terrorist operations. To address this evolving threat, the United States must be more aware, identify emerging threats early, and not only look at the current state of terrorism but also ask, What's next?


Change is the only constant in addressing terrorism. With that in mind, the articles in this issue of the *FBI Law Enforcement Bulletin* look at the varied forms of terrorism and America's responses. While the threats are diverse, each with its own challenges, common threads link them, and they should be treated not simply as a case or group but as part of a larger threat picture.

"The Evolution of Terrorism Since 9/11" looks at the overarching threat, how it has changed, and how Americans must adapt to the changes, from the threats of al Qaeda to homegrown violent extremists. "Radicalization of Islamist Terrorists in the Western World" examines the radicalization process and how it inspires violent actions of groups or individuals, such as the lone-offender example laid out in "The Hosam Smadi Case," which recounts a Joint Terrorism Task Force takedown of a Jordanian national who attempted to destroy a Texas skyscraper with a vehicle-borne improvised explosive.

The violent extremist threat is not limited to those with Islamist ideology. "Sovereign Citizens: A Growing Domestic Threat to Law Enforcement" focuses on a loosely knit group of individuals who have renounced their US citizenship and believe that federal, state, and local governments operate illegally.

These individuals typically act alone, committing white collar crimes and creating false documents, but their behavior quickly can escalate to violence. During a traffic stop of two sovereign citizens in Arkansas last year, a passenger opened fire, killing two officers and injuring more law enforcement officials who attempted to stop the pair.

While these articles discuss the terrorism challenges faced by the United States, they also are meant to educate law enforcement on specific indicators that can alert them to potential violent behavior, why coordinated responses have prevented terrorist attacks, and how to protect U.S. citizens from these threats. America's state and local law enforcement partners are essential to a secure defense, with eyes and ears throughout communities across the country. These examples show how—together—Americans can be successful, and they also demonstrate why the United States must remain vigilant and combine and adapt its intelligence and law enforcement capabilities to stop the ever-changing scope of terrorism.



*To address this evolving threat, the United States must be more aware, identify emerging threats early, and not only look at the current state of terrorism but also ask, What's next?"*

Sean M. Joyce  
Executive Assistant Director  
National Security Branch  
Federal Bureau of Investigation

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# *The Evolution of Terrorism Since 9/11*

By LAUREN B. O'BRIEN, M.S.F.S.

**A**pproximately 10 years after the 9/11 attacks, the United States faces a more diverse, yet no less formidable, terrorist threat than that of 2001. In this increasingly complex and dynamic threat environment, not only does Pakistan-based al Qaeda possess the ability to project itself across the globe to stage attacks against the West but so do groups based in Yemen, Somalia, and Iraq.

In many ways, al Qaeda in the Arabian Peninsula (AQAP) poses as serious a threat to the nation as core al Qaeda, with two attempted attacks against the U.S. homeland in the past 2 years.

In this ever-changing threat environment, America constantly must evolve to keep pace with this adaptive enemy. The United States has had significant successes in combating the terrorism threat, most

visibly with the May 2, 2011, death of al Qaeda leader Usama Bin Ladin. Further, the lives saved by U.S. counterterrorism efforts—the arrest of a home-grown violent extremist (HVE) who attempted to attack a Christmas tree-lighting ceremony in Portland or the disruption of three al Qaeda-trained operatives in the United States before they could attack the New York City transit system—stand as equally meaningful victories.



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Discussing the current threat environment requires an understanding of how terrorism trends have evolved. These trends remain relevant today in the decade since 9/11.

## **TERRORISM IN THE WAKE OF 9/11**

### **Evolving Threat from Al Qaeda**

In 2001, what emerged with clarity out of the ashes of the Twin Towers was that no greater threat to the homeland existed from a nonstate actor than that posed by core al Qaeda in Pakistan. Ten years later, the group still demonstrates the intent and capability to attack the United States. Although al Qaeda's last successful Western attack was in the United Kingdom in 2005, a steady stream of the group's operatives have been detected and disrupted over the past 10 years in the United States, Norway, Denmark, the United Kingdom, Germany, and Pakistan.

Counterterrorism efforts against al Qaeda in Pakistan's Federally Administered Tribal Areas (FATA) that began with Operation Enduring Freedom in October 2001 have degraded al Qaeda's abilities, resulting in the loss of key leaders and trainers and making it more difficult for al Qaeda to train operatives, communicate, and

transfer funds. In response to these setbacks, the group has refined its modus operandi and developed practices that have allowed it to persevere in a post-9/11 environment.

Seized by the success of 9/11, al Qaeda has maintained its intent to conduct "spectacular" high-casualty attacks against the United States and its Western allies. A review of disrupted al Qaeda plots since 9/11 reveals that the group has continued to focus on



***These various  
terrorism trends have  
resulted in a threat  
environment more  
complex and diverse  
than ever before.***



high-profile political, economic, symbolic, and infrastructure targets, with a particular fixation on aviation. Al Qaeda also has pursued its interest in staging simultaneous attacks—a theme it has followed from the 1995 Bojinka plot to attack planes over the Pacific, to 9/11, and to the 2006 plan to attack multiple flights from the United Kingdom to the United States. Such sophisticated plots require multiple operatives and longer

planning cycles than a simply constructed, less-spectacular plan. In recent years, al Qaeda has evolved and expanded its interests to include small-scale attacks in addition to its pursuit of the spectacular, with the aim of staging a successful attack regardless of size.

Al Qaeda's preference for acquiring its attack capabilities from locally available resources has held relatively constant. With the exception of "shoe bomber" Richard Reid in 2001, for its Western plots, al Qaeda has relied on well-trained operatives to construct an explosive device after being deployed, using locally available materials. For example, in the July 7, 2005 attacks in London, bombers spent weeks in their ground-floor flat in Leeds constructing explosive devices from readily available commercial ingredients.

Over the past decade, al Qaeda has developed the practice of using operatives with legal access to the United States and other Western nations to target their countries of origin; for example, al Qaeda deployed American legal permanent resident Najibullah Zazi to attack the New York City subway system in 2009 and U.K. citizen Mohammad Sidique Khan to carry out the July 2005 attacks in London. The three individuals convicted of the most serious charges in



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the 2006 U.S.-U.K. aviation plot, as well as most of their co-conspirators, consisted of British citizens of Pakistani descent. Using operatives who not only possess legal travel documents but also language skills and Western cultural understanding can help them to evade security and operate undetected.

Despite setbacks to its training program due to the loss of key leaders and an increasingly difficult operating environment, al Qaeda has continued to recruit and train potential operatives. Identifying American al Qaeda recruits who may travel from the United States to Pakistan to receive training, much like Najibullah Zazi, is one of the FBI's highest counterterrorism priorities. Yet, U.S. authorities also must remain concerned about European trainees. Because of their visa-free access

to the United States through the Visa Waiver Program, al Qaeda could deploy European operatives to the United States for homeland attacks or use Europe as a launching pad for attacks against America, as it did in the disrupted U.S.-U.K. aviation plot.

### **Birth of the Global Jihadist Movement**

Following 9/11, the United States faced a threat from al Qaeda not only as an organization but also as an ideology. A new global jihadist movement composed of al Qaeda-affiliated and -inspired groups and individuals began to unfold. Although these groups threatened U.S. interests overseas, they did not rival al Qaeda in the threat they posed to the homeland. However, over time, the spread of this decentralized, diffuse

movement has increased the threats to U.S. interests at home and abroad.

In the early 2000s, a number of al Qaeda affiliates and regional terrorist groups emerged, and, although they took on the name of al Qaeda and adopted its ideology, they largely adhered to a local agenda, focusing on regional issues and attacking local targets. At the time of the 2007 *National Intelligence Estimate* publication, al Qaeda in Iraq (AQI) was the only al Qaeda affiliate known to have expressed a desire to strike the homeland. Within Iraq, AQI inflicted thousands of casualties on coalition forces and Iraqi civilians. Beyond the country's borders, AQI fanned the flames of the global jihadist movement and claimed credit for the June 2007 failed vehicle-borne improvised explosive device



New York City subway system



Russell Square, London

---


(VBIED) attack on Glasgow Airport in Scotland.

In addition to al Qaeda-affiliated groups, the United States also saw the emergence of a generation of unaffiliated individuals inspired by al Qaeda's ideology but lacking ties to any foreign terrorist organization. These HVEs have developed into one prong of a multifaceted homeland threat. Although many have lacked the capability to match their intent, others took steps to move from violent rhetoric into action.


Some of these al Qaeda-inspired Americans sought to travel to Pakistan, Afghanistan, or other fronts in the global jihad to gain fighting experience or participate in terrorist training. The Virginia Jihad Network—a group of individuals disrupted in 2001 after acquiring training from Pakistani militant group Lashkar-e-Tayyiba in preparation for jihad against American forces in Afghanistan—was one of the first cases to shed light on this trend.

Since 9/11, American HVEs have traveled to Pakistan, Somalia, and Yemen for terrorist training and ultimately joined terrorist groups in those countries. For example, Bryant Neal Vinas, a convert to Islam who was raised in Long Island, New York, traveled to Pakistan in September 2007 and managed to join al Qaeda. There, he participated in attacks

against coalition forces and provided al Qaeda with insight for homeland attacks, including one potentially targeting the Long Island Rail Road. The primary concern with Vinas and other American trainees is that al Qaeda or its affiliated groups will leverage them for homeland attacks, as they sought to do with Najibullah Zazi before his plot to attack the New York City transit system was disrupted in 2009.



***Despite setbacks to its training program due to the loss of key leaders and an increasingly difficult operating environment, al Qaeda has continued to recruit and train potential operatives.***



Other HVEs have attempted to stage attacks inside the United States. In the years since 9/11, the FBI and its law enforcement partners have disrupted over a dozen plots perpetrated by HVEs. Although many were unsophisticated, small-scale plots, like Derrick Sharreef's 2006 plot to attack a shopping mall food court with a

hand grenade, others were more ambitious, like the one involving five individuals who conspired in 2007 to attack soldiers stationed at the Fort Dix Army Base in New Jersey. Based on the number of disruptions and indictments, the number of HVEs undertaking terrorist actions in the United States appears to have increased over the past 10 years.

Unfortunately, the appeal of the al Qaeda narrative has not diminished, and issues, like the war in Iraq, the United States and NATO presence in Afghanistan, and Guantanamo, serve to inflame and, perhaps, radicalize those sympathetic to al Qaeda's ideology. The decentralized global jihadist movement has become a many-headed hydra, with al Qaeda-affiliated and -inspired groups playing an increasingly prominent role in the overall threat.

## **CURRENT THREAT ENVIRONMENT**

These various terrorism trends have resulted in a threat environment more complex and diverse than ever before. In the past 2 years, al Qaeda, its affiliates, and HVEs all have attempted attacks on the homeland. New tactics and tradecraft have emerged that further complicate the myriad threats facing the United States. The Internet has allowed terrorist groups to overcome their geographic limits and plays an increasing role in

## Increase in Number and Diversity of Terrorist Plots Against the United States Since 9/11



Homegrown Violent Extremist (HVE)						6			13	
						7			14	21
						8			15	22
						9			16	23
			4	5			11		17	24
al-Qa'ida	1		3			10			18	
	2									
Unaffiliated							12		19	25
al-Qa'ida Affiliates									20	26
										27
Total Number of Plots	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	2	0	1	1	1	5	2	0	8	7

Civilian Other	11 Plots	<b>Number</b>	<b>Plotter or Plot Name</b>	<b>Targets</b>	<b>Number</b>	<b>Plotter or Plot Name</b>	<b>Targets</b>
Aviation	7 Plots	1	9/11		13	Daniel Boyd Quantico Plot	
Military	7 Plots	2	Richard Reid		14	Newburgh 4	
Government	3 Plots	3	Iyman Faris		15	Carlos Bledsoe Little Rock Shooting	
Mass Transit	3 Plots	4	Herald Square Plot		16	Ft. Hood Shooting	
Infrastructure	2 Plots	5	Jamiyyat Ul-Islam Is Saheeh (JIS)		17	Michael Finton	
Financial	1 Plot	6	Derrick Shareef		18	Najibullah Zazi NYC Subway Plot	
		7	Liberty 7/Sears Tower Plot		19	Hosam Smadi	
		8	Mohamed Reza Taheri-Azar SUV Attack		20	NW Flight 253	
		9	Ehsanul Sadequee		21	Mohamed Osman Mohamud	
		10	US-UK Aviation Plot		22	Farooque Ahmed	
		11	Fort Dix Plot		23	Antonio Martinez	
		12	JFK Airport Plot		24	Paul Rockwood	
					25	Khalid Aldawsari	
					26	Package Bomb Plot	
					27	Faisal Shahzad Times Square Plot	

This information derived from the following sources: "American Jihadist Terrorism: Combating a Complex Threat," Congressional Research Service, 7 December 2010; "Al-Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U.S. Policy," Congressional Research Service, 25 January 2011; and various criminal proceedings and Department of Justice press releases.

facilitating terrorist activities. In this diffuse and decentralized threat environment, the next attack could come at the hands of a well-trained AQAP operative

equipped with a sophisticated improvised explosive device (IED) or a lone HVE using an automatic weapon to attack a shopping mall.

### Al Qaeda's Persistent Threat

One of the most significant recent changes to al Qaeda comes with the death of Bin Ladin. Although the full ramifications



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of his demise are not known yet, the U.S. government continues to assess and monitor how his death affects al Qaeda's organization and operations. Because of Bin Ladin's stature and his personal connections with leaders of al Qaeda affiliates and allies, his demise also may change the way these groups relate to one another.

The past 10 years have demonstrated that despite the counterterrorism efforts against al Qaeda, its intent to target the United States remains steady. For example, one al Qaeda homeland plot involved three operatives—Najibullah Zazi, Zarein Ahmedzay, and Adis Medunjanin—who were disrupted by the U.S. government in fall 2009. These individuals received training in Pakistan from al Qaeda and then returned to the United States, where they planned to use homemade IEDs

to attack the New York City subway system.

The 2009 plot also demonstrated al Qaeda's continuation of targeting trends that evolved over the previous years, such as its interest in Western recruits for a homeland plot, its preference for IEDs constructed locally, and its desire to target transit infrastructure. Although these aspects of al Qaeda's modus operandi have remained consistent, al Qaeda has expanded and diversified its strategy in hopes of perpetrating more attacks. For example, while al Qaeda remains committed to large-scale attacks, it also may pursue smaller, less sophisticated ones that require less planning and fewer resources and operational steps. Instead of plots reminiscent of 9/11 that involve more than a dozen operatives, they now may employ only a few.

## Rise of Affiliates

While Bin Ladin's death represents an important victory in U.S. counterterrorism efforts, it does not mean a reduced terrorism threat. The threat from al Qaeda affiliates, like AQAP and Tehrik-e Taliban Pakistan (TTP), has drastically changed and represents the most significant difference in the terrorist threat environment since 9/11. AQAP, which has attempted two homeland attacks within the past 2 years, now poses as serious a threat to the homeland as core al Qaeda. AQAP has proven itself an innovative and sophisticated enemy capable of striking beyond the Arabian Peninsula. While the tactics core al Qaeda developed and refined continue to threaten the United States, the inventive tactics created by AQAP pose an additional dangerous threat.

With the Christmas Day 2009 attempt by Nigerian national Umar Farouk Abdulmutallab to detonate an IED onboard Northwest Flight 253, AQAP became the first al Qaeda affiliate to attempt an attack on the homeland. With this attack, AQAP broke from al Qaeda's typical modus operandi in several ways. Abdulmutallab was a single operative traveling alone. Rather than constructing his device in the target country, he carried an IED on his person all the way from the flight he



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first boarded in Africa to the airspace over Detroit, and he evaded detection systems in various airports. Unlike Zazi, Abdulmutallab was not based in the United States, providing fewer chances for the FBI to look for clues of possible terrorist associations.

After this attempted attack, AQAP revealed its capacity to adapt and innovate by following with the October 2010 package-bomb plot. With this plot, AQAP obviated the need for a human operative by sending sophisticated IEDs concealed in printer cartridges inside packages aboard airfreight airlines. This tactic eliminated the potential for human error in the operation or detonation of the device. AQAP claims the total operation cost was only \$4,200, a vastly smaller figure than the estimated \$400,000 to \$500,000 spent by al Qaeda to plan 9/11. In this “death by 1,000 cuts” approach, AQAP moved the West to spend many times that to reexamine and strengthen its security procedures. From AQAP’s perspective, this failed attempt was a success—not in producing mass casualties, but in achieving a high economic cost.

In addition to conducting its own attacks, AQAP also has sought to radicalize and inspire others to conduct attacks. In July 2010, AQAP published

the first edition of its English-language online magazine, *Inspire*, a glossy, sophisticated publication geared to a Western audience. In the five published editions of *Inspire*, AQAP has provided religious justification and technical guidance, including information on manufacturing explosives and training with an AK-47, to encourage HVEs to stage independent attacks.

**//**

***In addition to al Qaeda-affiliated groups, the United States also saw... unaffiliated individuals inspired by al Qaeda's ideology but lacking ties to any foreign terrorist organization.***

**//**

In all facets of its operations, AQAP benefits from the expertise and insights provided by its American members to target an English-speaking audience. Anwar al-Aulaqi—a former U.S.-based imam and now a leader of AQAP—is a charismatic figure with many English-language sermons available online. Over the past few years, Aulaqi has gone from

a radicalizer to an individual who now plays an increasingly operational role in AQAP. He has recruited individuals to join the group, facilitated training at camps in Yemen, and prepared Abdulmutallab for his attempted bombing of Northwest Flight 253. Samir Khan, an American jihadist blogger who traveled to Yemen in October 2009, helps oversee AQAP’s production of *Inspire* magazine. Together, Aulaqi and Khan have drawn on their understanding of the United States to craft a radicalizing message tailored to American Muslims.

AQAP is not the only al Qaeda affiliate to pose an increased threat to the homeland. Tehrik-e Taliban (TTP)—a Pakistani militant group that has voiced its desire since 2008 to strike the United States—demonstrated for the first time its ability to stage attacks against America with Faisal Shahzad’s failed VBIED attack on Times Square in May 2010. Shahzad, a naturalized U.S. citizen of Pakistani origin, traveled to Pakistan to acquire terrorist training from TTP and then used those skills to construct a VBIED when he returned to the United States.

Other al Qaeda allies and affiliates also have expanded their focus. In July 2010, Somalia-based terrorist group al-Shabaab staged its first attack outside of Somalia with an attack in

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Uganda that killed dozens. Al-Shabaab also has attracted Western recruits, including Americans; at least 2 dozen have traveled to Somalia to train or fight over the past few years. Some of these Americans even have assumed leadership positions, raising the possibility that they could help expand al-Shabaab's global reach.

As these examples show, the rise of al Qaeda affiliates presents an increasingly complex terrorism threat. U.S. authorities no longer can prioritize al Qaeda threats over those emanating from affiliate groups; they now must cover them all.

### **Increasing Threat from HVEs**

In addition to these external threats, the United States faces a serious threat from HVEs inside its borders. The disruptions over the past several years reveal that HVEs come from a diverse set of backgrounds, ages, and life experiences. HVEs support terrorism in a variety of ways, from traveling overseas to fight to plotting attacks inside the United States.

In 2009, HVEs conducted their first successful attacks inside the United States. The most lethal occurred on November 5, 2009, when the Fort Hood military base was attacked by what appeared to be

a lone gunman, killing 13 and wounding 43. The suspected shooter, Major Nidal Malik Hasan, is believed to have acted alone and used small arms to conduct his attack—factors that underscore the difficulty in intercepting HVEs.

Further complicating the HVE threat is their adept use of the Internet, which serves as a facilitator for terrorist activity and a platform for radicalization. Previously, the Internet was used primarily to spread propaganda; today, it facilitates recruitment, training, and fund-raising activities and allows HVEs to overcome their geographic isolation to connect with other like-minded extremists. The disruption of at least three HVEs plotting homeland attacks during 2010 serves as a reminder that their threat shows no signs of abating.

### **CONCLUSION**

The threat environment has transformed significantly since 9/11 and will continue to evolve over the months and years ahead. While the FBI's number one priority holds constant—to prevent, deter, and disrupt terrorist activities—the ways in which it accomplishes this mission must not.

To better position itself to adapt to this changing threat environment, the FBI is undergoing a transformation in

the way it collects and uses intelligence. The bureau is implementing a new proactive, intelligence-driven model that enables it to develop a comprehensive threat picture and enhances its ability to prioritize resources to address and mitigate terrorist threats.

The FBI also continues to enhance its relationships with intelligence and law enforcement partners at all levels of government and abroad. These national and international collaborative counterterrorism efforts have played a key role in enabling the bureau to thwart myriad terrorist threats over the past decade. To echo the words of FBI Director Robert Mueller III, “working side by side is not only our best option, it is our only option.”

While 10 years have elapsed since 9/11 and much has changed during that time, the sense of urgency that the FBI brings to its counterterrorism mission has not waned. Today, the United States faces a threat environment more complex and dynamic than ever before. And, yet, as new terrorist threats evolve, the FBI will adapt to confront them. ♦

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*Ms. O'Brien is an intelligence analyst in the FBI's Counterterrorism Analysis Section.*

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# Leadership Spotlight

## Tuesdays with Terry

*"Leaders would find greater joy in their lives if they raised the servant aspect of their leadership and built more serving institutions."*

—Robert Greenleaf

**M**any of you have read the famous Mitch Albom book, "Tuesdays with Morrie," about a student who comes to visit his aging college professor and gains tremendous lessons about life during his weekly visits. I, too, am fortunate to spend time with an amazing man who has been a Catholic priest, police officer, college professor, police chief, and FBI Academy instructor. This fascinating gentleman, who I am honored to call a friend, is Terrence J. Mangan. He is an avid reader and an expert on too many things to mention, but a few that come to mind are military history, the Civil War, Sherlock Holmes, current events, terrorism, and leadership in law enforcement.

We visit at least once a week and always find ourselves in discussions about world events, leadership, and the challenges facing law enforcement today. A visit with Terry consistently reveals another amazing story, such as when he met Martin Luther King, Jr., or his involvement in the Hillside Strangler serial killer case. As Terry and I sip our drinks, he shares profound insights and never ceases to amaze me with his wisdom. I often wonder

if I ever can learn all he has to teach and share with me.

I have met numerous people who know Terry, and they always express deference or reverence after asking about his welfare. Terry humbly offers no explanation for this deference and respect, but I can. He always has done the right thing, even in the face of adversity. He truly has led by example and put his people first. His

favorite expression is, "Hold an umbrella over people's heads." In other words, protect, defend, serve, value, and care about your

## Emulation

people. Are they not the ones we ask to hold the highest ethical standards, put their life on the line, and carry out our vision?

These words may seem cliché to many people, but hearing them and actually living them are two different things. Terry Mangan has led in ways the rest of us only can hope to emulate, and he readily shares the wisdom he has gleaned from his vast life experiences. How fortunate for me to have Tuesdays with Terry. ♦

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*Special Agent Michael McAuliffe, an instructor in the Leadership Development Institute at the FBI Academy, prepared this Leadership Spotlight.*

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# Case Study

## ***The Hosam Smadi Case An Example of Success***

By Thomas D. Petrowski, J.D., Michael W. Howell, M.A., David W. Marshall, and Sheeren Zaidi, M.S.

**O**n September 24, 2009, 19-year-old Jordanian national Hosam Maher Hussein Smadi parked what he believed to be a large vehicle-borne improvised explosive device (VBIED) in the underground garage of Fountain Place—a beautiful, conspicuous skyscraper in the heart of the Dallas, Texas, business district. He armed and powered up the elaborate timing device, exited the building during the busy weekday lunch rush, and was picked up by an associate who he believed was a low-level soldier in the al Qaeda cell he had located after a long search.

With the associate, Smadi drove to the top of a nearby parking garage where he used his mobile phone to dial the number that he believed would detonate the VBIED—he had insisted on personally command-detonating the bomb—and destroy the building, killing thousands of innocent civilians in and around Fountain Place. The call, however, did not activate an VBIED; instead, it signaled the North Texas Joint Terrorism Task Force to arrest Smadi while he attempted to commit mass murder in the name of al Qaeda.

Smadi had spent months planning the attack, modifying his plans as to which target he would focus on and what type of explosive device he would use. He believed he was fortunate to have found in the United States an al Qaeda sleeper cell planning the next large-scale attack and that he could convince the cell to let him commit an enormous act of terrorism as an al Qaeda soldier.

In fact, Smadi had not found an al Qaeda sleeper cell but an FBI undercover operation (UCO) conducted by the Joint Terrorism Task Force (JTTF) operating out of the FBI's Dallas, Texas, division, one of 106 JTTFs across the country. The Smadi investigation represents an excellent example of the results of one of the



**Smadi's Selected Target:  
Fountain Place Plaza  
Dallas, Texas**

- 60-story high-rise building
- 15th tallest building in Texas
- Over 1,200 employees



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current national counterterrorism strategies of the JTTF—in this case, critical member agencies included the Dallas, Texas, Police Department and the Texas Department of Public Safety—to identify and neutralize lone terrorists in the United States. The investigation also highlights the growing threat of lone offenders who operate without any ties to terrorist groups or states, can become radicalized by propaganda easily found on the Internet, and increasingly exist in America's rural areas.

### Facing Challenges

The U.S. government's counterterrorism mission has many challenges, the most difficult being to preemptively identify lone-offender terrorists, individuals with no direct connection to a terrorist organization but who have been self-directed in their pursuit of radicalizing influences. These lone-offender terrorists typically become known only after an attack. Recent examples include Nidal Malik Hasan, charged with killing 13 and wounding 32 at Fort Hood, Texas; Abdulhakim Mujahid Muhammad, accused of killing a man at a recruitment center in Little Rock, Arkansas; Andrew

Joseph Stack, who flew his plane into a Texas IRS building; James von Brunn, who allegedly killed a security guard at the U.S. Holocaust Memorial Museum in Washington, D.C.; and Scott Roeder, sentenced to life in prison for murdering a doctor who performed abortions.<sup>1</sup> More well-known lone offenders include Timothy McVeigh, Ted Kaczynski, and Eric Robert Rudolph.

The FBI, the U.S. Committee on Homeland Security and Governmental Affairs, and numerous outside experts assess that the homegrown, lone-offender terrorist, such as Smadi, proves the most difficult to identify and likely will become more common in the West as extremist ideologies spread globally.<sup>2</sup> English-speaking Islamic extremists are increasing their use of the Internet to recruit and radicalize Western Muslims and converts.

Carrying out the U.S. government's counterterrorism mission requires a preemptive strategy so threats can be interdicted before they manifest into a terrorist attack. In response to this challenge, the FBI has created several initiatives designed to identify the lone offender, including some programs that are cyber based, not unlike the Innocent Images National Task Force in the Crimes Against



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*All authors served on the joint terrorism task force responsible for the Hosam Smadi investigation.*

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Children Program.<sup>3</sup> They seek out those who may be lone-offender terrorists or on the path of radicalization.<sup>4</sup> Smadi was identified through one of these initiatives, illustrating a significant success in these identification programs that provides an outstanding model for similar counterterrorism cases.

### Identifying Smadi

In January 2009, the FBI's Chicago field office discovered Smadi within an online group of extremists where the FBI maintained an undercover presence. Unlike many others in the group who espoused and endorsed violence, Smadi stood out based on his vehement intention to conduct terror attacks in the United States and because of his zealous devotion to Usama Bin Ladin and al Qaeda. The FBI initiated a terrorism investigation to assess whether he posed a tangible threat to national security.<sup>5</sup> After Smadi repeated these comments, the undercover program made online contact with him. During those communications,



*Smadi—still photo from his 7-minute video to Usama Bin Ladin*

Smadi made clear his intent to serve as a soldier for Usama Bin Ladin and al Qaeda and to conduct violent jihad (acts of terrorism in the name of Islam) in the United States.

FBI Dallas quickly determined that Smadi was a citizen of Jordan, illegally residing in the United States in rural Italy, Texas, where he worked as a clerk at a gas station and convenience store. He entered the United States on March 14, 2007, on a nonimmigrant B1/B2 visa (temporary visitor for business or pleasure) that expired on October 30, 2007. Smadi was in violation of the Immigration and Nationality Act (INA) when he overstayed his visa and, therefore, was deportable at any time.

### Establishing the Undercover Operation

The FBI JTTF in Dallas stood up a complex sting operation in which Smadi believed he had found in the United States an al Qaeda sleeper cell planning the next large-scale attack.<sup>6</sup> Smadi believed he was in online contact with a senior member of the cell and continued to communicate his intent to commit an act of terrorism in the United States despite consistent attempts by undercover agents to dissuade him.<sup>7</sup>

After approximately 3 months and 25 online covert conversations with Smadi, the JTTF determined the UCO would transition to an in-person context to allow a more accurate assessment. Another FBI undercover agent in the role of a lower level operational soldier in the sleeper cell was introduced to Smadi, who remained in online contact with who he believed to be the senior leader of the cell.

Administratively, the UCO was both difficult and burdensome. As a national security UCO, the entire investigation was classified. Virtually all communications with Smadi were in Arabic, his native language (all three undercover agents also were native Arabic speakers). Every communication with Smadi was electronically recorded, and the in-person meetings between Smadi and the undercover employees were recorded through



*Smadi—booking photo*



*Smadi—surveillance photo*

multiple recorders and video. Meticulously recording and documenting all communications with Smadi proved critical because of the inevitable entrapment defense raised during prosecution.

### **Assessing Smadi as a Threat**

From the day the FBI identified Smadi, the agency analyzed intelligence to assess his potential as a unilateral threat and lone offender with no direct connections to a terrorist organization. Behavioral Analysis Unit experts from FBI Headquarters were brought into the investigation to help assess what, if any, threat he posed. Within a few months, the FBI assessed that Smadi was a self-directed Sunni extremist, lone offender determined to commit an act of terrorism on the scale of the 9/11 attacks. He also was assessed to be obsessed with Usama Bin Ladin and the idea of being a soldier of al Qaeda.<sup>8</sup> Because of this and the prospect of his belief that he actually contacted al Qaeda, it was likely he would not do anything impetuous. The challenge was keeping the investigation secret. If he ever realized his sleeper cell actually was a sting operation, he likely would have done something very violent, very quickly.

Investigation revealed that Smadi was not a practicing Muslim and was not affiliated with a mosque or the mainstream Islamic community in north Texas. He stated to the undercover agents numerous times that “they” (his family and the local Islamic community) “don’t get it,” that they did not share his extremist, violent view of jihad. Postarrest interviews of the extended family indicated they were outstanding members of the Dallas Islamic community, gainfully employed and regular members of a large local mosque. Smadi’s estrangement from his extended family and the mainstream Muslim community was a significant factor in his assessment as a threat.

### **Addressing Smadi**

By summer 2009, Smadi’s inevitable and significant threat to the United States had become clear. In evaluating options to interdict the threat, numerous issues were presented. Because Smadi was a Jordanian citizen and illegally in the United States, the easiest choice for quickly addressing the threat Smadi posed was to arrest him on an immigration charge and deport him. While attractive

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as a short-term remedy, it was clear he was going to commit an act of terrorism against U.S. interests at some point. Deporting him would only move that threat overseas, not terminate it. Overseas, Smadi likely would have found members from al Qaeda or another terrorist organization (as he said he would do if he lost contact with his perceived sleeper cell). The FBI assessed that if he came in contact with these terrorists overseas, they would have provided him with false identification so he could return to the United States to conduct attacks.

The possible courses of action to address the threat Smadi posed were limited. Conspiracy charges, often used to take down a group or an individual associated with a group planning an attack, were not available as he was acting as a lone offender. After lengthy consultations with prosecutors in Dallas and the U.S. Department of Justice, the only viable strategy was to give Smadi what he sought: the opportunity to perpetrate the terrorist attack he was planning in a controlled manner and then prosecute him for that attempt.

### **Conducting the UCO**

The UCO lasted approximately 9 months. Despite consistent efforts to dissuade Smadi throughout the operation, his planning and actions showed unrelenting determination to commit a large-scale terrorist attack on American soil as a soldier of al Qaeda.

During one of the later in-person meets, the undercover agent indicated that the cell had the capability to forward a video of Smadi to Bin Ladin. Smadi was emotionally overwhelmed. He spent hours researching on his computer and drafting a statement. With surreptitious cameras recording

in the hotel room where they met, the undercover agent set up a tripod and video camera and made the recording. Smadi covered his face and made a compelling 7-minute video for Bin Ladin, which he believed would be delivered to the al Qaeda leader after Smadi's attack. The video resulted in one of the most compelling pieces of evidence against him.

The Smadi UCO shared many common issues with typical undercover operations: maintaining the integrity of the operation, ensuring the safety of the undercover agents, resolving translation issues, and addressing entrapment. Eventually, a total of six in-person meetings and about 65 online and telephonic communications occurred. An additional issue with running long-term UCOs targeting active terrorists is the constant concern that the subject is moving about freely in America, which creates perpetual physical and technical surveillance challenges.

### **Planning by Smadi**

Through spring 2009, Smadi, on his own, was aggressively conducting research, physical reconnaissance, and analysis of targets he wished to attack. His first plans involved targeting large credit card companies (he indicated hope this might further harm the ailing economy). He also said he was considering military targets and the baggage claim area of a Dallas airport. His initial plans also focused on him planting smaller explosives at multiple locations, which he believed would have a more dramatic effect.

After months of researching targets, Smadi decided to confine his plan to using a sizable explosive to attack one large target. By late June, Smadi had made several selections and then changed

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**The investigation... highlights the growing threat of lone offenders who operate without any ties to terrorist groups or states....**

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those targets either because they were too secure or not big enough. He put a significant amount of individual effort into developing and refining his planned attack. He settled on a 60-story building in downtown Dallas known as Fountain Place and asked his perceived sleeper cell to make him a car bomb big enough to bring down the entire building.

FBI headquarters and Dallas bomb technicians constructed the VBIED Smadi asked for. It included a clock timer, a safe-arm switch, 550 pounds of explosive-grade fertilizer, and inert blasting caps placed within inert C-4 explosive blocks. All of the components of the VBIED were contained within a 2001 sport utility vehicle. The VBIED had been designed to be readily adaptable, yet inert for public safety purposes.

Surveillance indicated that Smadi took several operational steps in the days before his attack that he did not completely share with his perceived al Qaeda associates. On September 22, in preparation for driving the VBIED into the garage and then walking out of Fountain Place, Smadi purchased an elaborate disguise, planning on wearing a cross around his neck and dressing as a parking valet for the day of the attack. The day before the incident, he moved his residence to a rural, isolated trailer in the event he was identified and needed to hide.

### **Sentencing Smadi**

In May 2010, Smadi pleaded guilty to one count of attempting to use a weapon of mass destruction and was sentenced to 24 years in prison in October 2010. As is typical in UCOs that result in overwhelming evidence against a defendant, Smadi's defense attorneys argued entrapment and mental health issues early in the prosecution. After discovery was completed, the defense team conceded there was no plausible way for an entrapment defense. The complete rejection of entrapment was a result of the issue being identified early on in the investigation and addressed throughout the case. In virtually every undercover conversation with



*Vehicle that housed the vehicle-borne improvised explosive device with the target location in the background*



*Vehicle-borne improvised explosive device*

Smadi, the operation attempted to discourage his planned course, and all communications—written, online, or in person—were recorded.

### **Conclusion**

The Smadi investigation is significant not only because it prevented a terrorist attack but because it serves as a model for future lone-offender terrorism cases. Exposing self-radicalized lone offenders, such as Smadi, is an enormous challenge in preventing terrorism and will only become more common and necessary.

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The most significant aspect of the Smadi investigation is that it demonstrates an overall capability of the JTTF to bring to bear the efforts of countless employees in the FBI and partner agencies working together in support of the domestic counterterrorism mission. The capacity to coordinate these entities and partner agencies into a unified effort from the street level to the highest levels in the U.S. intelligence community illustrates the evolving innovation and capability of the FBI, state and local law enforcement, and other agencies involved in the domestic counterterrorism mission. ♦

#### Endnotes

<sup>1</sup> Major Nidal Hasan allegedly committed his attack on Fort Hood on November 5, 2009. Muhammad, aka Carlos Bledsoe, an American convert, attacked a military recruiting office in Little Rock, AK, on June 1, 2009. Stack flew a small personal plane into the IRS building in Austin, TX, on February 18, 2010. Brunn attacked the Holocaust Museum in Washington, DC, ostensibly motivated by anti-Jewish hatred. Roeder murdered Dr. George Tiller on May 31, 2009, in church because he was a well-known abortion advocate and provider.

<sup>2</sup> U.S. Senate Committee on Homeland Security and Governmental Affairs, *A Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack*, a Special Report (Washington, DC, 2011); [http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing\\_ID=9516c9b9-cbd4-48ad-85bb-777784445444](http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=9516c9b9-cbd4-48ad-85bb-777784445444) (accessed June 20, 2011). The report noted “[w]e recognize that detection and interdiction of lone-offender terrorists is one of the most difficult challenges facing our law enforcement and intelligence agencies. Every day, these agencies are presented with myriad leads that require the exercise of sound judgment to determine which to pursue and which to close.”

FBI and U.S. intelligence community (USIC) products addressing this point are generally classified. An example of a leading terrorism expert addressing this point consistent with USIC assessments is Bruce Hoffman, a terrorism expert at Georgetown University and previously at the Rand Corporation and the CIA. Hoffman and other leading experts have published works that identify the homegrown, lone-offender terrorist as the hardest to detect and likely to become more common.

Bruce Hoffman, *Inside Terrorism* (New York, NY: Columbia University Press, 1999); in this book, Hoffman noted, “the new strategy of al Qaeda is to empower and motivate individuals to commit acts of violence completely outside any terrorist chain of command.”

<sup>3</sup> In the national security context, these programs are worked with USIC partners, and virtually all aspects related to them are classified. In keeping this article unclassified, it is impossible to give complete details of the work and accomplishments of these programs. Notwithstanding the sensitivity of these programs, the large majority of the details of the Smadi investigation were declassified for use during the prosecution.

<sup>4</sup> In support of the preventive mission of identifying lone-offender terrorists, the FBI has developed a Radicalization Continuum that identifies attributes of these subjects from preradicalization (developing sympathies for a perceived cause) through the final stages of taking action and committing a terrorist act.

<sup>5</sup> Like all international terrorism investigations conducted in the United States, the Smadi investigation was completely classified and worked closely with other USIC partners with whom the FBI now freely can exchange information due to the USA PATRIOT Act. For a detailed source on the legal aspects of conducting domestic national security investigations, see David Kris and J. Douglas Wilson, *National Security Investigations & Prosecutions* (Eagan, MN: Thomson/West, 2007).

<sup>6</sup> The FBI Dallas Joint Terrorism Task Force, which conducted this UCO, was comprised of members of the FBI; the U.S. Transportation Security Administration; U.S. Immigration and Customs Enforcement; U.S. Citizenship and Immigration Services; the Dallas, Texas, Police Department; the Garland, Texas, Police Department; and the Texas Department of Public Safety. Run out of the Dallas Division, the UCO was closely managed by the FBI’s Counterterrorism Division collocated with the National Counterterrorism Center (NCTC) in northern Virginia.

<sup>7</sup> Because of the brevity of this article, specific examples of the online communication between Smadi and the undercover employees are not provided. The affidavit submitted in support of the arrest is available at <http://www.txnd.uscourts.gov/judges/smadi/smadi.html> (accessed July 14, 2011).

<sup>8</sup> The FBI assessed with high confidence that the factors that shaped Smadi’s identity as a violent jihadist were the combination of childhood trauma, the Internet, social networking Web sites, Middle Eastern geopolitical issues, and consuming personal identification with Usama Bin Ladin and Abu Mu’sab al-Zarqawi. Smadi is a product of al Qaeda’s global strategy to inspire potential youth recruits and lone offenders in the making through its militant Salafist ideology.



## ***Bulletin Honors***



### ***Hazardous Device School Bomb Technician Memorial***

At the Redstone Arsenal in Huntsville, Alabama, the Hazardous Device School (HDS) Bomb Technician Memorial, dedicated in April 2007, honors all public safety bomb technicians who died in the line of duty while performing a hazardous device operation or response. Funded through voluntary donations, the memorial's bronze statue depicts a bomb technician wearing a full protective suit and carrying an X-ray machine and disruptor, as well as three essential pieces of hazardous device safety equipment. The statue faces out toward HDS in the same manner a graduate would look back to the school for knowledge and guidance. Behind the figure, a marble wall displays the names of the fallen bomb technicians on brass plaques, along with an inscribed bomb technician badge and the biblical verse Isaiah 6:8 in the center. HDS, a joint effort between the FBI and U.S. Army, constructed the memorial to honor the bravery and courage of those who heroically paid the ultimate sacrifice for their work.

*Submitted by Special Agent Dave Jernigan, Hazardous Devices Operations Center, FBI's Critical Incident Response Group*



# ***Sovereign Citizens A Growing Domestic Threat to Law Enforcement***

By the FBI's COUNTERTERRORISM ANALYSIS SECTION

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**T**hey could be dismissed as a nuisance, a loose network of individuals living in the United States who call themselves “sovereign citizens” and believe that federal, state, and local governments operate illegally. Some of their actions, although quirky, are not crimes. The offenses they do commit seem minor, including regularly false license plates, driver’s licenses,

and even currency. However, a closer look at sovereign citizens’ more severe crimes, from financial scams to impersonating or threatening law enforcement officials, gives reason for concern. If someone challenges (e.g., a standard traffic stop for false license plates) their ideology, the behavior of these sovereign-citizen extremists quickly can escalate to

violence. Since 2000, lone-offender sovereign-citizen extremists have killed six law enforcement officers. In 2010, two Arkansas police officers stopped sovereign-citizen extremists Jerry Kane and his 16-year-old son Joseph during a routine traffic stop on Interstate 40. Joseph Kane jumped out of the vehicle and opened fire with an AK-47 assault rifle, killing both officers.



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The sovereign-citizen threat likely will grow as the nationwide movement is fueled by the Internet, the economic downturn, and seminars held across the country that spread their ideology and show people how they can tap into funds and eliminate debt through fraudulent methods. As sovereign citizens' numbers grow, so do the chances of contact with law enforcement and, thus, the risks that incidents will end in violence. Law enforcement and judicial officials must understand the sovereign-citizen movement, be able to identify indicators, and know how to protect themselves from the group's threatening tactics.

### **Ideology and Motivation**

The FBI considers sovereign-citizen extremists as comprising a domestic terrorist movement, which, scattered across the United States, has existed for decades, with well-known members, such as Terry Nichols, who helped plan the Oklahoma City, Oklahoma, bombing. Sovereign citizens do not represent an anarchist group, nor are they a militia, although they sometimes use or buy illegal weapons. Rather, they operate as individuals without established leadership and only come together in loosely affiliated groups to train, help each other with paperwork,

or socialize and talk about their ideology. They may refer to themselves as "constitutionalists" or "freemen," which is not necessarily a connection to a specific group, but, rather, an indication that they are free from government control. They follow their own set of laws. While the philosophies and conspiracy theories can vary from person to person, their core beliefs are the

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***The FBI considers sovereign-citizen extremists as comprising a domestic terrorist movement...***

**//**

same: The government operates outside of its jurisdiction. Because of this belief, they do not recognize federal, state, or local laws, policies, or regulations.<sup>1</sup>

One prevalent sovereign-citizen theory is the Redemption Theory, which claims the U.S. government went bankrupt when it abandoned the gold standard basis for currency in 1933 and began using citizens as collateral in trade agreements with foreign governments.<sup>2</sup> These beliefs can provide a

gateway to illegal activity because such individuals believe the U.S. government does not act in the best interests of the American people. By announcing themselves as sovereign citizens, they are emancipated from the responsibilities of being a U.S. citizen, including paying taxes, possessing a state driver's license, or obeying the law.

### **Illegal Activity**

The Redemption Theory belief leads to their most prevalent method to defraud banks, credit institutions, and the U.S. government: the Redemption Scheme. Sovereign citizens believe that when the U.S. government removed itself from the gold standard, it rendered U.S. currency as a valueless credit note, exchanging one credit document (such as a dollar bill) for another. They assert that the U.S. government now uses citizens as collateral, issuing social security numbers and birth certificates to register people in trade agreements with other countries. Each citizen has a monetary net worth, which they believe is kept in a U.S. Treasury Direct account, valued from \$630,000 to more than \$3 million. These accounts, they claim, are in a third-party's name, a "strawman," that they can access, which they commonly refer to as "freeing



*Alfred P. Murrah Federal Building, Oklahoma City*

money from the strawman.” In essence, it is extorting money from the U.S. Treasury Department. Sovereign citizens file legitimate IRS and Uniform Commercial Code forms for illegitimate purposes, believing that doing so correctly will compel the U.S. Treasury to fulfill its debts, such as credit card debts, taxes, and mortgages.<sup>3</sup>

At a minimum, these activities create a voluminous influx of documents that clog the courts and other government agencies. But, the idea behind the Redemption Theory also leads sovereign citizens to find criminal sources of income as

they travel the country, teach fraudulent tactics to others for a fee, and participate in white collar crimes. The latter offenses include mail, bank, mortgage, and wire fraud; money laundering; tax violations; and illegal firearms sales and purchases.

At seminars, sovereign citizens charge participants a fee in exchange for information on Redemption Theory schemes and other methods to avoid paying

taxes, sometimes even selling materials, such as CDs or DVDs. They also sell fraudulent documents—including drivers’ licenses, passports, diplomat identification, vehicle registrations, concealed firearms permits, law enforcement credentials, and insurance forms—to other sovereign citizens and illegal immigrants and charge fees for “consultant services” to prepare sovereign-citizen paperwork. Several recent incidents highlight their activities.

- In Sacramento, California, two sovereign-citizen extremists were convicted of running a fraudulent insurance scheme, operating a

company completely outside of state insurance regulatory authorities. The men sold “lifetime memberships” to customers and promised to pay any accident claims against members. The company collected millions of dollars, but paid only small auto insurance claims and ignored large ones.<sup>4</sup>

- In Kansas City, Missouri, three sovereign-citizen extremists were convicted in a phony diplomatic credential scandal. They charged customers between \$450 and \$2,000 for a diplomatic identification card that bestowed “sovereign status,” supposedly to enjoy diplomatic immunity from paying taxes and from stops and arrests by law enforcement.<sup>5</sup>
- In Las Vegas, Nevada, four men affiliated with the sovereign-citizen-extremist movement were arrested by the Nevada Joint Terrorism Task Force on federal money laundering, tax evasion, and weapons charges. The undercover investigation revealed that two of the suspects allegedly laundered more than a million dollars and collected fees for their services.<sup>6</sup>

One example of a white collar crime that escalated into a standoff includes a New

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Hampshire husband and wife convicted of federal income tax evasion, failure to honor federal payroll taxes, and other conspiracy fraud charges. Elaine A. and Edward L. Brown, both sovereign-citizen extremists in their 60s, never appeared at their 2007 trial or at sentencing. In protest, the Browns barricaded themselves in their home during the summer and fall of 2007, receiving supporters, issuing militant and threatening statements, and stockpiling weapons and explosives. They were charged with weapons offenses after their arrest in October 2007 when law enforcement discovered pipe bombs, improvised explosive devices made of gun powder cans with nails and screws taped to the outside, and a large cache of handguns and rifles that included .50-caliber rifles.<sup>7</sup>

However, even when sovereign citizens go to prison for crimes, they continue criminal activity behind bars. Inmates provide a new population for them to sway to adopt the sovereign-citizen ideology; they then can train these inmates to help them defraud banks, credit institutions, and the U.S. government. They can create fraudulent businesses from inside prison walls and complete fraudulent financial documents to receive lines of credit from legitimate banks. The learning system goes

both ways—inmates can teach sovereign citizens new criminal methods that they can use either from inside the prison or when they are released.

### Indicators

Sovereign citizens often produce documents that contain peculiar or out-of-place language. In some cases, they speak their own language or



***It is important to realize sovereign citizens' tactics to harass and intimidate law enforcement, court, and government officials, as well as financial institution employees.***



will write only in certain colors, such as in red crayon. Several indicators can help identify these individuals.

- References to the Bible, The Constitution of the United States, U.S. Supreme Court decisions, or treaties with foreign governments<sup>8</sup>
- Personal names spelled in all capital letters or interspersed with colons (e.g., JOHN SMITH or Smith: John)

- Signatures followed by the words “under duress,” “Sovereign Living Soul” (SLS), or a copyright symbol (©)
- Personal seals, stamps, or thumb prints in red ink
- The words “accepted for value”<sup>9</sup>

They also carry fraudulent drivers' licenses to indicate their view that law enforcement does not have the authority to stop their vehicle or may write “No Liability Accepted” above their signature on a driver's license to signify that they do not accept it as a legitimate identification document.

### Intimidation, Obstruction, and Protection

It is important to realize sovereign citizens' tactics to harass and intimidate law enforcement, court, and government officials, as well as financial institution employees. Methods can range from refusing to cooperate with requests, demanding an oath of office or proof of jurisdiction, filming interactions with law enforcement that they later post on the Internet, and filing frivolous lawsuits or liens against real property. They convene their own special courts that issue fake but realistic-looking indictments, warrants, and other

documents. They also can use real government documents, including suspicious activity reports, in an attempt to damage the credit or financial history of specific individuals.

While these efforts may seem obviously fraudulent, it is important to address these actions, which can have devastating outcomes for the individuals they target. The sovereign citizens' efforts also can be a gateway for them to harass, terrorize, and target others in hopes of changing behaviors that they perceive as threatening.

The Court Security Improvement Act of 2007 is one protection for officials who the sovereign citizens could target. The provisions under Title 18 created a new criminal offense for false liens against the real or personal property of officers or federal government employees, including judges and prosecutors. It also created as a new crime the disclosure of personal, identifying information to intimidate or incite violence against these individuals.<sup>10</sup>

## Conclusion

Although the sovereign-citizen movement does not always rise to violence, its members' illegal activities and past violent—including fatal—incidents against law enforcement make

it a group that should be approached with knowledge and caution. It is important that law enforcement be aware of sovereign citizens' tactics so agencies can warn the public of potential scams, spot illegal activity and understand its potential severity, and be prepared for and protect against violent behavior or backlash through intimidation and harassment. ♦

**Although the sovereign-citizen movement does not always rise to violence, its members'... activities... make it a group that should be approached with knowledge and caution.**

## Endnotes

<sup>1</sup> U.S. Department of Justice, Federal Bureau of Investigation, Domestic Terrorism Operations Unit and Domestic Terrorism Analysis Unit, *Sovereign Citizen Danger to Law Enforcement* (Washington, DC, 2010).

<sup>2</sup> U.S. Department of Justice, Federal Bureau of Investigation, Domestic Terrorism Operations Unit II, *Sovereign Citizens: An Introduction for Law Enforcement* (Washington, DC, 2010).

<sup>3</sup> U.S. Department of Justice, Federal Bureau of Investigation, Domestic

Terrorism Analysis Unit, *Sovereign Citizen Extremist Movement* (Washington, DC, 2011).

<sup>4</sup> U.S. Attorney's Office, Eastern District of California, "Two 'Sovereign Citizens' Sentenced in Illegal Insurance Scam," press release, 2/24/2010; <http://sacramento.fbi.gov/dojpressrel/pressrel10/sc022410.htm> (accessed June 14, 2011).

<sup>5</sup> U.S. Attorney's Office, Western District of Missouri, "Three Men Sentenced for Conspiracy to Use Fake Diplomatic Identification," press release, 2/8/2010; <http://kansascity.fbi.gov/dojpressrel/pressrel10/kc020810.htm> (accessed June 14, 2011).

<sup>6</sup> U.S. Department of Justice, U.S. Attorney, District of Nevada, "Members of Anti-Government Movement Arrested on Federal Money Laundering, Tax Evasion and Weapons Charges," press release, 3/6/2009; <http://www.justice.gov/usao/nv/press/march2009/davis030609.htm> (accessed June 14, 2011).

<sup>7</sup> U.S. Department of Justice and U.S. Attorney's Office-District of New Hampshire, press releases, 1/18/2007 and 7/9/2009, "Jury Convicts Lebanon Dentist and Husband in Tax Case," and "Edward and Elaine Brown Convicted"; [http://www.justice.gov/tax/usaopress/2007/txdv07WEM\\_Browns.pdf](http://www.justice.gov/tax/usaopress/2007/txdv07WEM_Browns.pdf) and <http://www.atf.gov/press/releases/2009/07/070909-bos-edward-and-elaine-brown-convicted.html> (accessed June 14, 2011).

<sup>8</sup> The authors wish to stress that the majority of individuals who carry or refer to these resources are law-abiding citizens. However, in some instances, possession of these items may serve as one indicator of a sovereign-citizen extremist.

<sup>9</sup> *Sovereign Citizens: An Introduction for Law Enforcement*.

<sup>10</sup> Court Security Improvement Act of 2007; <http://www.gpo.gov/fdsys/pkg/PLAW-110publ177/pdf/PLAW-110-publ177.pdf> (accessed June 14, 2011).



## Radicalization of Islamist Terrorists in the Western World

By Ryan Hunter, M.A., and Daniel Heinke



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**M**odern Islamist extremism emerged in the middle of the last century, but, in its beginnings, was limited to the Middle East. That dramatically changed in the aftermath of the assault on 9/11 when the threat Islamist terrorism posed to countries in the Western world became apparent. While it was not the first time Islamist militants targeted a Western country, the scale of the attack—killing almost 3,000 people and destroying the iconic Twin Towers—demonstrated that the threat from such organizations and individuals had shifted. Since 9/11, that menace continues to transform, and Western societies increasingly must deal with a rise in so-called homegrown Islamist terrorism.

In itself, homegrown terrorism is not a new phenomenon as nationals of the respective country conduct the vast majority of typical nationalistic or politically motivated terrorist activity. However, violent Islamist ideology inspiring homegrown terrorism in the West represents a new aspect.

The terms *homegrown terrorism* and *homegrown violent extremism* typically describe radicalized Western citizens or local residents. They adopt an extremist religious or political ideology hostile to Western societies and values and turn to terrorism. The word *radicalization* has many definitions in intelligence and law enforcement communities. The FBI defines it as “the process by which individuals come to believe their

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engagement in or facilitation of nonstate violence to achieve social and political change is necessary and justified.” German law enforcement and intelligence agencies describe it as the “turning of individuals or groups to an extremist mind-set and course of action and the growing readiness to facilitate or engage in nondemocratic methods up to the execution of violence to achieve their goals.”

### **RADICALIZATION: WHO AND HOW**

Counterterrorism is more art than science. Radicalization, especially of Islamist extremists, only recently has become a serious research topic of law enforcement organizations, intelligence agencies, and academia. Yet, data still are not extensive and have resulted mainly from shared analysis of executed or prevented terrorist attacks. Baseline data for comparison have proven difficult to collect because of legal restrictions and other issues. Collection also presents challenges because, generally, Islamist terrorism is not static, but highly flexible, including its recent manifestation into homegrown terrorism. This new manifestation does not replace known variations of Islamist terrorism, but represents additional threats possibly encountered independently or in combination with foreign-based efforts. To counter this threat, various government studies from western European countries and comparable research in the United States have considered two key points of homegrown violent extremism: *who* becomes radicalized and *how* the radicalization process works.

#### **Who: Common Denominators**

Analysis in both Europe and the United States showed that violent Islamist extremists represent

a broad range of the population. In Western countries, most of these individuals have been nationals or have had legal status in the country. They are ethnically diverse, although in some European countries, the majority of identified Islamist terrorists comprised part of the largest immigrant Muslim community (e.g., France: Algerian; Great Britain: South Asian; Spain: Moroccan). However, this does not hold true for other large countries, such as Germany, Italy, and the United States.

Additional stereotypes do not prove valid either. Most terrorists are male, but women also play an important role. The majority of extremists

are between 20 and 30 years old, but a number of older men—sometimes women—require consideration too. While numerous individuals are single, many also have steady relationships and children. Their educational backgrounds span the entire spectrum, from no formal qualifications to postgraduate degrees (although the majority worked in relatively low-grade jobs). Some analysis indicated that many radicalized Islamists in western Europe tend to



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seek a group-oriented life, and group dynamics also have proven a common factor in promoting terrorist activities in the United States. A disproportionately high number of Islamist extremists in the West converted to Islam, but this neither insinuates a general tendency toward radicalization among converts nor does it deny the fact that the majority of Islamist extremists were born into the Muslim faith. Most of these terrorists' prior criminal involvement was minor or nonexistent. Homegrown Islamist extremists are so socially and demographically diverse that no universally accepted profile can be compiled using sociodemographic characteristics.

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## How: The Radicalization Process

On the surface, the pathways to terrorism seem as varied as the actors themselves. Extremists have many diverse starting points and follow many different paths that lead to ultimate involvement in terrorist activities. The existence of a common end point has led many individuals and organizations with an interest in radicalization to characterize these pathways as variations of *the* radicalization process, and much effort has focused on identifying common aspects to understand and—in the end—counter this progression. In the course of this research, several analyses of the radicalization of identified Islamist terrorists have been conducted, mainly based on data from law enforcement agencies and intelligence services, such as the FBI, New York City Police Department, German Federal Criminal Police Office, Dutch General Intelligence and Security Service, Swedish Security Service, Danish Security and Intelligence Service, and the British government.

While these agencies' models and explanations are not entirely congruent, they suggest a prevailing radicalization model composed of three main components: grievance, ideology/narrative, and mobilization.<sup>1</sup> The breakdown of these distinct components may be useful for law enforcement and intelligence agencies, as well as other government or nongovernment partner institutions, to assess the circumstances and potential radicalization of certain individuals or groups.

However, these components do not reflect an automatism and do not follow a fixed timeline of radicalization. Obviously, not all individuals who begin this process complete it. Many stop or even

abandon this development at various points and for different reasons; some reenter later and begin again. Others do not follow the implied sequential development, but move from one radicalization stage to the next. Yet other individuals do not seem to make well-considered decisions within this process, but follow it like a slippery slope. The radicalization process can take several years for some persons, but develop very quickly for others.

### *Grievance*

Discontent seems to serve as the prerequisite of the radicalization process. Issues driving this attitude toward individuals in the West may include

perceived persecution of Muslims throughout the world; a sense of uprootedness, alienation, or lack of acceptance; feelings of discrimination, especially among second- or third-generation immigrants; or a general search for identity.

This discontent may be based on individuals' actual experiences or those of other people within their community, or it may result from the normal process of identity formation among young people. These latter

feelings of uncertainty of oneself during adolescence and early adulthood are common and well-known in developmental psychology, but after an individual feels rejected by society, these emotions can lead to a deep identity crisis and cause one to search for a new purpose of life. Some Muslim-born individuals may link experiences of disadvantage or nonbelonging to their faith and judge them to be an expression of cultural and religious discrimination.

**“ Radicalization, especially of Islamist extremists, only recently has become a serious research topic of law enforcement organizations, intelligence agencies, and academia. ”**



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### *Ideology/Narrative*

Ideological framing adopts this diffuse feeling of discontent and leads it in a defined direction. The idea of “us”—the *ummah* (community) or *ummat al-mu'minin* (the community of the believers)—defending against “them”—the nonbelievers conducting an alleged war against Islam—secures a strong bond among the followers while alienating them from Western citizens.

This narrative typically finds its ideological footing in a form of Salafism, adherence to which is viewed as the ultimate distinguishing feature between right and wrong. Interpretations of Salafism range from a purely personal religious conviction with an emphasis on purifying the believer’s way of life to a jihadi orientation that demands its followers to take on the fight against Western governments and “apostate” Muslim (especially Middle Eastern) regimes held responsible for the suffering of all Muslims. This jihadi Salafism emphasizes God’s undisputed and sole sovereignty (*hakimiyyat Allah*) and views the Qur’an and the Sunnah of Muhammad as the only acceptable sources to define right and wrong. In consequence, this ideology bans the idea of democracy and man-made law in general as un-Islamic; Western societies are considered sinful and a danger to the right order of mankind.

Some well-read scholars justify these claims with in-depth theological arguments in favor of violent *jihad*, “the use of violence against persons and governments deemed to be enemies of fundamentalist Islam, especially the West.”<sup>2</sup> However, Islamism and Salafism, when presented as an ideology or narrative to promote radicalization rather than as a religion, tend to be kept simple and without theological depth.

The core significance of this ideological framing component should not be sought on the basis of its content, but because it provides followers (true believers) with an idea of their “true purpose” and sense of belonging to a transnational community. By accepting this highly polarized worldview and its narrow set of rules, the uncertain individual searching for meaning receives simple answers, as well as a comprehensive framework of social and moral norms and values. Terrorist movements or ideologues then can build on this ideology by strengthening the perception of global Muslim suppression; the picture of Islam under threat, triggering the belief that the Muslim community and the radicalized individual exist in a state of permanent self-defense; and the view of violence as a legitimate response.

### *Mobilization*

In the majority of cases, extremists become radicalized in large part through intensifying social interaction with other people with shared beliefs. Such a relationship then results in a mutual push toward violence. Sometimes, a spiritual leader will goad individuals to take such actions. The “lone wolf/lone offender” has served as the rare exception. However, in recent years, prominent attacks in the United States and Europe were carried out successfully by individuals with few ties to other extremists, highlighting the threat posed by radicalized persons who are relatively alone.

The sense of identity and belonging that likely accompany group interaction may provide a psychological and emotional reward that exceeds the original ideological motivation. Often, this group experience is fueled intentionally by isolating to a certain degree potential or new members, using means, such as overseas travel and training



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camps (especially in Europe). Through ongoing mutual assertion of the righteousness of shared beliefs, new moral norms and standards replace existing ones. Group members increasingly see violence as an acceptable and legitimate, even desirable, way to achieve the common goals of the group. Visual propaganda is intensified, including hate videos with high emotional impact. Contrasting images of perceived or factual atrocities against Muslims with “glorious” attacks by jihadis and the celebrated killing of Westerners (the beheading of a U.S. soldier serves as one heinous example) are featured, and all Islamist terrorist attacks against infidels, non-Muslims, and “apostate” Muslims are endorsed. As extremists see it, jihad is increasingly supported. This ultimately may lead to an ideologue that calls for the direct participation in jihad or self-persuasion to join the violent fight against the perceived enemies of Islam.

Typically, mobilization is the only radicalization component involving specific actions possibly subject to criminal prosecution. Potential operatives are recruited by an extremist group or individual, small groups are prompted to form a terrorist cell of their own, and extremists begin preparing direct attacks or supporting others planning to attack. In the United States, mobilization also is the transition phase from ideology—protected under the First Amendment—to action, which becomes criminal activity. Logically, law enforcement and intelligence resources will focus on mobilization because activities conducted in this latter stage of radicalization present the opportunity to make arrests. Further, the majority of those harboring grievances and adopting the ideology do not progress to violence. However, this final phase can

be short-lived, enforcing the need for intelligence agencies to fully understand and become aware of the earlier components.

Beyond these three components, the additional element of a specific traumatic experience (a personal or political “tipping point”) may trigger involvement in terrorist activities.<sup>3</sup> Based on available data, such tipping points are not reliably verifiable yet, and such experiences likely will be so varied and personal that trying to identify them may add little value to the day-to-day work of law enforcement and intelligence agencies. Nevertheless, their identification could serve as a worthwhile approach for further research.

#### **ROLE OF THE INTERNET**

Online radicalization presents a primary concern. Extremists use a variety of tools that range from dedicated password-protected jihadist Web sites, forums, blogs, social networking resources, and video-hosting services to professionally produced online English-

language propaganda magazines, such as *Inspire* magazine, established by al Qaeda in the Arabian Peninsula (AQAP). These online assets, serving as a sort of “virtual jihad university,” can play a role in all three radicalization components.

- *Grievance:* The Internet allows rapid and widespread dissemination of information about events that may fuel grievances. Often, such propaganda is intensified by highly emotional images combined with an amplifying comment or soundtrack. Because anyone can post content online, individuals have a forum to present the material in a way that supports their point of view no matter how extreme.

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**Analysis in both Europe and the United States showed that violent Islamist extremists represent a broad range of the population.**

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- *Ideology/Narrative:* Similarly, the Internet allows the extremist narrative to spread globally. Anwar al-Aulaqi, a Yemen-based American citizen and member of AQAP, is perhaps the best example for English-speaking audiences. His lectures and contributions to *Inspire* magazine are widely available online. It no longer is necessary to have an ideologue at a local mosque or gathering place to inspire future extremists.
- *Mobilization:* How online interaction impacts mobilization poses pressing questions inside the United States and Europe. Because extremists interact online with other like-minded individuals despite geographical differences, can they develop the group dynamics that lead to violence? How effective are social networking sites as a venue for terrorists to spot and assess would-be extremists? In a recent case in Germany, a 21-year-old extremist accused of fatally shooting two U.S. soldiers and wounding two others at Frankfurt airport on March 2, 2011, claimed to be radicalized through the Internet and motivated to take action after seeing propaganda videos.

## APPROACHES FOR COUNTERRADICALIZATION

Law enforcement activities directed solely against an individual's illegal activity after radicalization likely start too late and do not provide a sufficient answer to the complex phenomenon of homegrown Islamist terrorism. An effective counterradicalization program has to confront one, preferably all, of the components of the

radicalization process and involve a variety of participants beyond the law enforcement and intelligence communities.

It seems that in each component, efforts of government and nongovernment actors can address issues at the level of the individual or the external environment. While potential counterradicalization activities and actors are wide and varied, a few highlights stand out.

- *Prevent or Properly Handle Grievances:* On an individual level, efforts should focus on improving young Muslim immigrants' participation in society regarding their social, educational, and economic situation. Externally addressing discrimination and other issues that give rise to grievances also must be taken seriously.
- *Counterideology:* Individually, potential young extremists should be provided

clear, descriptive, and unbiased information. Misleading or agitating propaganda should be countered aggressively. At the external level, to educate Muslims and address possible misunderstandings, authorities should provide open information on extremist Islamist trends and government programs to these communities, preferably in concert with respected Muslim citizen representatives. Proposed steps to prevent the spread of violent ideologies, such as Web site disruptions, also have to be evaluated while addressing questions of free speech and effectiveness.

- *Countermobilization:* Efforts include the classic antiterrorism approach of intelligence and law enforcement agencies collecting and analyzing information on extremist persons or groups, enacting early detection programs,

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**An effective counterradicalization program has to confront one, preferably all, of the components of the radicalization process and involve a variety of participants....**

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identifying potential threats, and disrupting plots and other extremist activities. At one level, these activities may target individual would-be operatives or recruiters and known communication or facilitation nodes.

## CONCLUSION

Homegrown individuals engaging in Islamist extremism are both demographically and socio-economically diverse, preventing the development of a reliable profile. Yet, all these persons develop a new mind-set as they undergo radicalization. While no typical pathway exists for this radicalization process, three main components include deeply ingrained grievances as the basis for an identity crisis, an elementary Islamist/Salafist ideology providing a sense for one's existence and sense of belonging to a chosen community, and the individual's mobilization to join the terrorist movement. The understanding of these distinct

components of the radicalization process may help law enforcement and intelligence agencies assess potential cases of radicalization and lay the groundwork for other government or nongovernment institutions to develop defined counterradicalization efforts. ♦

## Endnotes

<sup>1</sup> Peter Neumann, "What Motives and Circumstances Lie Behind Persons Affiliating with Violent, Radical-Islamist Groups and Committing Acts of Violence Themselves?" (lecture at the autumn conference of the German Bundeskriminalamt, or Federal Criminal Police Office, Wiesbaden, Germany, Oct 19, 2010).

<sup>2</sup> For example, Jordan-based Abu Muhammad al-Maqdisi.

<sup>3</sup> Peter Neumann.

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## Wanted: Notable Speeches

**T**he *FBI Law Enforcement Bulletin* seeks transcripts of presentations made by criminal justice professionals for its Notable Speech department. Anyone who has delivered a speech recently and would like to share the information with a wider audience may submit a transcript of the presentation to the *Bulletin* for consideration.

As with article submissions, the *Bulletin* staff will edit the speech for length and clarity, but, realizing that the information was presented orally, maintain as much of the original flavor as possible. Presenters should submit their transcripts typed and double-spaced on 8 1/2- by 11-inch white paper with all pages numbered, along with an electronic version of the transcript saved on computer disk, or e-mail them. Send the material to: Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135, or to [leb@fbiacademy.edu](mailto:leb@fbiacademy.edu).

# Bulletin Reports

## Human Trafficking

*Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, presented by the Bureau of Justice Statistics (BJS), describes the characteristics of human trafficking investigations, suspects, and victims in cases opened by federally funded task forces between January 2008 and June 2010. This report provides information about investigations, persons involved in suspected and confirmed incidents of human trafficking, and case outcomes. Data are from the Human Trafficking Reporting System (HTRS), created in response to a congressional mandate in the Trafficking Victims Protection Reauthorization Act of 2005 for biennial reporting on the scope and characteristics of human trafficking. HTRS currently is the only system that captures information on human trafficking investigations conducted by state and local law enforcement agencies in the United States. The report also describes HTRS data collection procedures and data quality issues. Highlights include the following: federally funded task forces opened 2,515 suspected incidents of human trafficking for investigation between January 2008 and June 2010, about 8 in 10 of the suspected incidents of human trafficking were classified as sex trafficking, about 1 in 10 incidents were classified as labor trafficking, and the confirmed human trafficking incidents open for at least a year led to 144 known arrests.

*Characteristics of Suspected Human Trafficking Incidents, 2008-2010* (NCJ 233732), part of the *Characteristics of Suspected Human Trafficking Incidents Series*, can be obtained by accessing BJS' Web site, <http://www.bjs.gov>.

## Criminal Victimization

The Bureau of Justice Statistics (BJS) presents *Criminal Victimization in the United States, 2008*, which presents tables with detailed data on major items measured by the National Crime Victimization Survey (NCVS). Topics include crimes of violence (rape/sexual assault, robbery, and aggravated and simple assault), property crimes (household burglary, theft, and motor vehicle theft), and personal theft (pocket picking and completed and attempted purse snatching); demographic characteristics of victims, including age, sex, race, Hispanic origin, marital status, household income, and educational level; characteristics of crime victimization, including time and place of occurrence, weapon use, self protection, injury and medical care, victim-offender relationship, offender characteristics, time lost from work, and economic losses; and crimes reported and not reported to police, victims' reasons for reporting or not reporting crimes, and police response time. These annual data, in 110 fully indexed tables, are released electronically and disseminated through the BJS Web site, <http://www.bjs.gov>.



## Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Deputy Katers

While on routine patrol, Deputy Jason Katers of the Brown County, Wisconsin, Sheriff's Office noticed a large amount of heavy smoke in the air. He tracked the source of the smoke to an attached garage of a residence. He immediately reported the structure fire and approached the front door, where he discovered one of the residents—an elderly woman—confused and disoriented. After Deputy Katers assisted her from the house and brought her to a safe area, he learned that two more occupants remained inside. As the structure rapidly filled with heavy smoke and it became difficult for Deputy Katers to breathe, he reentered the house twice to locate each of the residents, who had become similarly disoriented due to smoke inhalation. Katers escorted both of them to safety, and his swift actions likely saved the occupants' lives and mitigated the severity of the property loss.



Officer Becker



Officer Pague

Officers Cody Becker and Edward Pague of the Northern York County, Pennsylvania, Regional Police Department responded to a structure fire at an apartment building. Upon arrival at the scene, the officers determined that a mother and her three children were trapped in their third-floor apartment as the building burned beneath them. The officers immediately took action. Officer Pague helped Officer Becker climb to the second-floor balcony, and the mother passed down her three children, ages 3 months to 6 years, to him. Officer Becker moved the children safely to Officer

Pague on the ground below and then helped the mother descend from the balcony. Thanks to the timely and heroic efforts of these officers, the family survived without injury.

Nominations for the **Bulletin Notes** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions can be mailed to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135 or e-mailed to [leb@fbiacademy.edu](mailto:leb@fbiacademy.edu).

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## ***Patch Call***



The Oklahoma State Bureau of Investigation (OSBI) patch depicts an Osage Indian warrior's shield crossed by a peace pipe and an olive branch, derived from the Oklahoma state flag. An eagle, symbolizing vigilance, stands atop the shield, and the microscope and scales of justice on either side represent criminal investigation and criminal justice. The OSBI's founding year is located beneath the seal.



The patch of the Cary, North Carolina, Police Department was developed in 1996 by a local artist. The state is depicted in the center of the patch, superimposed by a clock that stands in the city's historic downtown. The triangle represents the area of the state where Cary is located—between Raleigh, Durham, and Chapel Hill, known as the Research Triangle Park.

UNCLASSIFIED

# NATIONAL GANG REPORT

# 2015

# GAUGES



## NATIONAL GANG INTELLIGENCE CENTER

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(U) The 2015 National Gang Report (NGR) presents an overview of current gang activities and trends in the United States. Intelligence in this report is derived primarily from a survey administered by the National Alliance of Gang Investigators' Associations (NAGIA) and from a second survey on Safe Streets and Gang Task Forces administered by the FBI Safe Streets and Gang Unit (SSGU). The quantitative data herein is supplemented by qualitative open source reports and reporting from federal, state, local, and tribal law enforcement from across the nation.



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## (U) PREFACE

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(U) The National Gang Intelligence Center (NGIC) prepared the 2015 NGR to examine the threat violent gangs pose to the United States. A gang is defined by the US Department of Justice as:

(1) an association of three or more individuals; (2) whose members collectively identify themselves by adopting a group identity, which they use to create an atmosphere of fear or intimidation frequently by employing one or more of the following: a common name, slogan, identifying sign, symbol, tattoo or other physical marking, style or color of clothing, hairstyle, hand sign or graffiti; (3) the association's purpose, in part, is to engage in criminal activity and the association uses violence or intimidation to further its criminal objectives; (4) its members engage in criminal activity, or acts of juvenile delinquency that if committed by an adult would be crimes; (5) with the intent to enhance or preserve the association's power, reputation, or economic resources; (6) the association may also possess some of the following characteristics: (a) the members employ rules for joining and operating within the association; (b) the members meet on a recurring basis; (c) the association provides physical protection of its members from other criminals and gangs; (d) the association seeks to exercise control over a particular location or region, or it may simply defend its perceived interests against rivals; or (e) the association has an identifiable structure; (7) this definition is not intended to include traditional organized crime groups, such as La Cosa Nostra, groups that fall within the Department's definition of "international organized crime," drug trafficking organizations or terrorist organizations.

(U) This report centers on the analysis of gang trends that threaten national security, public safety, economic interests, and law enforcement operations. The 2015 NGR is not an extension of the 2013 or 2011 installments. Rather, it is an independent overview of data obtained between 2013 and 2015. The 2015 NGR ensures compliance with Public Law 109-162, Title XI, Section 1107 (c) and supports US Department of Justice Goal 2.1 (combat the threat, incidence, and prevalence of violent crime) set forth in the US Department of Justice Strategic Plan for Fiscal Years 2014 – 2018.

## (U) SCOPE AND METHODOLOGY

(U) The purpose of the 2015 NGR is to provide a national overview of the current gang threat in the United States by collecting, analyzing, and synthesizing data obtained from law enforcement agencies across the nation. The assessments contained herein were derived from data provided by law enforcement through the *2014 FBI Safe Streets and Gang Task Force Survey*, the *NAGIA 2015 National Gang Report Survey*, law enforcement reporting, and open source information.

(U) One hundred and nine respondents completed the *2014 FBI Safe Streets and Gang Task Force Survey* to create a representative sample of the five Safe Streets and Gang Task Force geographic regions. Combining data from the Safe Streets and Gang Task Forces allowed the NGIC to incorporate data from our partner agencies who participate on task forces, but did not complete the *NAGIA 2015 National Gang Report Survey*. Thus, data from the *2014 FBI Safe Streets and Gang Task Force Survey* was combined with 569 responses from the four components of the *NAGIA 2015 National Gang Report Survey*, law enforcement reporting, and open source information to develop a holistic picture of current gang activity across the country.

(U) The *NAGIA 2015 National Gang Report Survey* consisted of four components: a street gang survey; a prison gang survey; an outlaw motorcycle gang (OMG) survey; and a survey on gang activity related to US borders. The street gang survey was distributed to US gang investigators at every level across jurisdictions nationwide, while the prison gang survey was released to jails, prisons, and detention centers. The OMG survey was sent to members of the International Outlaw Motorcycle Gang Investigator's Association. A fourth survey was primarily distributed to gang investigators along the southwest border to collect data on gang activity related to US borders. Using the four-component methodology enabled the NGIC to collect more robust data on each specific topic. Dividing the survey into four parts allowed for the inclusion of more questions on each topic and facilitated completion by gang investigators working each specific topic. With this methodology, respondents were able to focus on their area of expertise. By contrast, the 2013 NGR relied on data from only one general survey that was disseminated to all gang investigators across all jurisdictions.

(U) Due to the utilization of a new survey methodology – using four targeted surveys as opposed to one universal survey – the 2015 NGR does not compare to either the 2013 NGR or the 2011 National Gang Threat Assessment. All longitudinal assessments herein are based entirely on data from the 2015 survey. One drawback to the 2015 methodology was crossover reporting that resulted in a higher margin of error when compiling such quantitative data as numbers and percentages. Due to this crossover, plus the voluntary nature of the survey, results herein lack representation from every jurisdiction. Thus, the NGIC recommends contacting state and local law enforcement agencies directly for more information on gang activity or gang membership numbers in a specific jurisdiction.

## (U) NATIONAL GANG INTELLIGENCE CENTER



(U) The NGIC was established by Congress in 2005 in order to support law enforcement agencies through timely and accurate information sharing and to provide strategic and tactical analysis to federal, state, and local law enforcement. A multi-agency fusion center, the NGIC integrates its resources to investigate and study the growth, migration, and criminal networks of gangs that pose a significant threat to communities throughout the United States. The NGIC is comprised of representatives from the Federal Bureau of Investigation (FBI); US Drug Enforcement Administration (DEA); US Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); Federal Bureau of Prisons (BOP); United States Marshals Service (USMS); US Department of Defense (DOD); and US Customs and Border Protection (CBP).

(U) A key function of the NGIC is to educate the law enforcement community on all matters relevant to gangs. In its mission to educate law enforcement, NGIC analysts use their subject matter expertise to train state, local, federal, and international gang investigators. The NGIC further educates law enforcement by integrating its resources to create and disseminate intelligence products that ultimately widen awareness and promote officer safety.

(U) One of the NGIC's primary resources is NGIC Online. A web-based information system, NGIC Online supplies state, local, federal, and international law enforcement partners with an array of tools designed to facilitate research on gang-related intelligence. NGIC Online is available through the Law Enforcement Enterprise Portal (LEEP). To access NGIC Online, law enforcement officers must first authenticate their credentials through the LEEP website, **www.cjis.gov**. Users can then connect directly to NGIC Online and employ its resources to obtain intelligence on a stream of matters relevant to gang populations and activities across the nation. A digital warehouse of data, NGIC Online contains a Gang Encyclopedia; Signs, Symbols, and Tattoos Database; Gang Terms Dictionary; Intelligence Library; and a Gang Training and Events Calendar, all of which are fully searchable and provide users with a vast collection of intelligence products; images; announcements; officer safety alerts; and other materials aimed to promote gang awareness and to assist gang investigations at state, local, and federal levels. NGIC Online also features two communication platforms – a Discussion Board and a Request for Information portal – that allow users to solicit analytical assistance from the NGIC and to communicate with the NGIC's network of gang subject matter experts. The NGIC encourages NGIC Online users to post announcements, share comments and suggestions, and contribute intelligence.

(U) For further information, the NGIC may be contacted via email at **ngic@leo.gov** or by telephone at **1-800-366-9501**.



## (U) NATIONAL ALLIANCE OF GANG INVESTIGATORS' ASSOCIATIONS



(U) The National Alliance of Gang Investigators' Associations (NAGIA) is a cooperative organization formed in 1998. With more than 20,000 members representing 23 state and regional gang investigator associations across the country, the NAGIA integrates the expertise of gang investigators nationwide, and combines multiple resources to combat the threat gangs pose to national security.

(U) The NAGIA works to ensure public safety and to fulfill the national need for a coordinated response to violence, drugs, and other gang-related crimes that adversely impact the quality of life within our communities. A unique alliance of criminal justice professionals, the NAGIA dedicates its efforts to the promotion and coordination of anti-gang strategies and provides leadership in the development and recommendation of programs designed to control gang crime.

(U) As part of its function, the NAGIA consolidates and distributes intelligence; advocates standardized training; provides professional training; establishes uniform gang definitions; advises policymakers; maintains

partnerships with federal, state, and local law enforcement; aids communities with emergent gang problems; assists criminal justice professionals and public figures in identifying gang members, tracking gangs, and battling gang crime worldwide.

(U) The NAGIA does not serve to replace or duplicate services provided by other entities, but rather drives federal, state, and local anti-gang initiatives and provides support to regional gang investigator associations and the Regional Information Sharing Systems (RISS) Program.

## (U) EXECUTIVE SUMMARY

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(U) Results of the 2015 NGR indicate that gangs of all types remain steadfast in their objectives to generate revenue and gain control of the territories they inhabit; and in their dedication to these objectives, gangs continue to grow in numbers and expand in their criminal activities. As the 2015 NGR reveals, progressions in membership and criminality stem from how fluidly gangs adapt to shifting circumstances so as to protect their interests; ultimately, gangs evolve by consistently adjusting their behaviors to meet their inflexible goals. Gangs thereby emerge as ever-changing, unpredictable organizations that vary from one jurisdiction to the next and thus continue to threaten communities nationwide.

(U) The 2015 NGR examines gangs by categories of street gangs, prison gangs, and OMGs. Intelligence herein explores how all three gang types pursue the same objectives – and commit the same crimes in those pursuits – yet diverge in how they operate. As this report demonstrates, the divergence is due to the fact that each gang is a product of its environment with its own rules of conduct and methods of operation; thus, street gangs differ from prison gangs, while prison and street gangs both differ from OMGs. Understanding the specific mentality of each gang type is integral to disruption and dismantlement. For that reason, the 2015 NGR designates separate sections for street gangs, prison gangs, and OMGs. Each section details the basic characteristics, functions, and partnerships of each gang type and thereby illustrates how each gang type poses a unique threat to the nation.

(U) The 2015 NGR focuses on gang trends from a national standpoint and explains how all gang types partake in criminal endeavors that serve to spread their ideology, widen their networks, produce illicit funds, and secure power. Findings herein reveal that gangs continue to engage in a range of activities in order to meet one or all of these ends. To meet their primary objective – to make money – gangs are increasing their involvement in the high-profit crimes of sex trafficking and prostitution. As a means of securing power, gangs continue to seek employment within the military and within government institutions and law enforcement agencies. Gangs also continue to form partnerships with other criminal organizations in order to widen their networks; thus, gangs have connected with Mexican Transnational Criminal Organizations (MTCOs), sex trafficking rings, and extremist groups. Gangs are also increasing their use of technology – social media in particular – in order to spread their message and recruit new members. Every criminal avenue gangs pursue perpetuates the cycle of securing power, which translates to money, and vice versa.

## (U) KEY FINDINGS

(U) Based on survey analysis and reporting from federal, state, local, and tribal law enforcement over the past two years, the NGIC provides the following assessments:

- (U) Approximately half of respondents report street gang membership and gang-related crime increased in their jurisdictions. The most prevalent crimes street gangs commit are street-level drug trafficking, large-scale drug trafficking, assault, threats and intimidation, and robbery. Street gangs exhibit few indicators of decreasing membership or criminal activity. Neighborhood-based gangs remain the most significant threat, while national-level street gangs have a moderate-to-high impact in approximately half of reporting jurisdictions.
- (U) Approximately one-third of jurisdictions report an increase in threats to law enforcement. The attacks that were carried out against law enforcement and judicial officials over the past two years were violent and brazen. However, the number of actual attacks against law enforcement remained relatively stable.
- (U) Over 68 percent of survey respondents indicate prison gang membership has increased over the past two years. The greatest threat of prison gangs lies in their nexus to street gangs and in their ability to corrupt prison officials. Corruption of prison staff threatens various prison systems by facilitating the smuggling practices of inmates. Respondents rate drugs, cell phones, and weapons as the contraband prison gangs most commonly smuggle. Prison gangs engage in a host of other crimes to further their criminal objectives. The most commonly reported crimes include smuggling of contraband, assault, racketeering, extortion, murder, robbery, witness intimidation, and prostitution. Prison gangs also exploit Freedom of Religion rights and rely on female counterparts to facilitate gang activity.
- (U) Larger OMGs have established new chapters and have attracted many new members. The surge in membership has incited clashes for geographic dominance, which has created higher levels of violence. OMGs continue to engage in all types of violent crimes to include: weapons possession, threats and intimidation, assault, arson, extortion, and drug trafficking. OMGs have a notorious reputation for their use of violence and often employ brute force to exact punishment on rival gangs and on their own members. OMGs mainly recruit motorcycle enthusiasts and members of the US biker community. Some larger OMGs require smaller motorcycle gangs or sport bike clubs to wear a support patch and demand monthly payments in exchange for the patch. OMGs rely on support clubs for recruitment purposes, financial support, and to counter rival gangs.
- (U) Gangs continue to foster partnerships with MTCOs. Survey respondents identified more than 96 gangs involved in cross-border crimes. Sureños, Barrio Azteca, and Tango Blast rank as the top three most criminally active gangs along the US/Mexico

Border, while the Sinaloa Cartel emerges as the MTCO with the most gang ties. Despite intelligence to support gang/MTCO partnerships, the exact nature of these relationships remains unclear. Drug trafficking is the cross-border crime gangs most frequently commit.

- (U) Approximately 26 percent of jurisdictions and 44 percent of prison facilities report that gang members joined domestic extremist groups. A mutually beneficial arrangement, extremists use gangs to spread their doctrine, while gangs turn to extremists to increase membership and facilitate collaboration with other criminal organizations. Gangs also refer to extremist ideology to respond to perceived injustices and to enact social change.
- (U) Survey respondents indicate that over the past two years known or suspected gang members from over 100 jurisdictions have applied for positions or gained employment with the US military, law enforcement agencies, corrections facilities, and within the judiciary. Employment with the US military ranked as the most common, followed by corrections, law enforcement, and the judiciary.
- (U) Approximately 15 percent of respondents report that gangs in their jurisdiction engage in human trafficking. According to law enforcement reporting, gang involvement in sex trafficking has increased over the past two years. This is likely a significant underestimation, as sex trafficking is often underreported for two reasons: victims fail to report due to shame or fear; and misclassification of gang-involved cases, where the offense is cited as prostitution, as opposed to sex trafficking. Gangs that partake in sex trafficking and prostitution crimes typically collaborate with other criminal organizations in order to maximize profit and evade detection from law enforcement.
- (U) Social media and other forms of technology play an essential role in the illicit activities of gang members. Gangs use a number of sites, applications, and platforms to recruit prospects, facilitate communication, target rivals, and to thwart law enforcement efforts. Over the past two years, gang members' utilization of technology, social media in particular, has risen significantly, enabling gangs to more readily further their criminal objectives. Nearly all jurisdictions report gang member use of technology, most frequently citing Facebook, YouTube, Instagram, and Twitter. Technology is also playing an increasingly pivotal role in police investigations and anti-gang efforts. Over 54 percent of agencies report integrating social media into their gang investigations within the past two years.

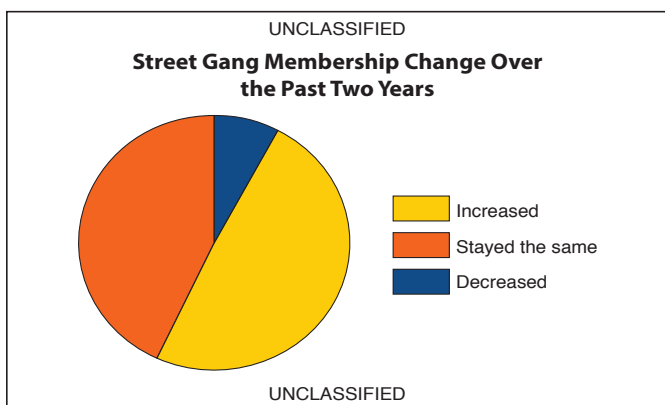
## (U) STREET GANGS

**(U) Definition:** Street gangs are criminal organizations that formed on the street and operate in neighborhoods throughout the United States. Neighborhood-based gangs are confined to specific neighborhoods and jurisdictions, with no known leadership beyond their communities. National-level gangs have a presence in multiple jurisdictions.

(U) Neighborhood-based gangs and national-level street gangs vary in membership, racial composition, and structure, but are present throughout the United States and continue to pose a significant threat. Neighborhood-based gangs are reported to be the highest threat, perpetuating violence, drug distribution, and opportunistic crimes, such as robbery, in communities throughout the country.<sup>1</sup> National-level street gangs have a high or moderate impact in approximately half of jurisdictions.<sup>2</sup>

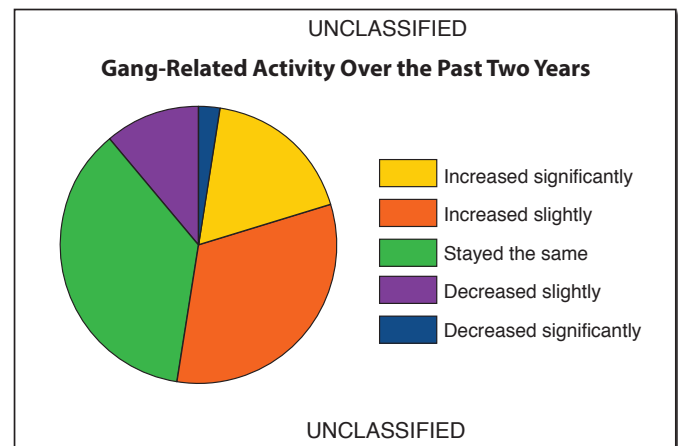
### (U) MEMBERSHIP

(U) Street gangs continue to impact communities across the United States and do not show signs of decreasing membership nor declining criminal activity.<sup>a</sup>



(U) Source: NAGIA Survey Data.

- (U) According to survey respondents, street gang membership increased in approximately 49 percent of jurisdictions over the past two years, stayed the same in 43 percent, and decreased in about eight percent of jurisdictions.<sup>3</sup>
- (U) Half of survey respondents indicate gang-related crime in their jurisdiction increased over the past two years, while an additional 36 percent indicate crime rates stayed the same.<sup>4</sup> Gang-related criminal activity decreased in fewer than 14 percent of jurisdictions.



(U) Source: NAGIA Survey Data.

<sup>a</sup> (U) For detailed information on membership numbers, the NGIC recommends contacting state and local law enforcement agencies directly.

## **(U) CRIMINAL ACTIVITY**

(U) Street gang activity continues to be oriented toward violent crimes, such as assault, drug trafficking, home invasions, homicide, intimidation, threats, weapons trafficking, and sex trafficking. Respondents report the most prevalent gang-related criminal activities are street-level drug trafficking, assault, threats and intimidation, robbery, and large-scale drug trafficking.<sup>5</sup> Below are illustrative examples of these crimes occurring throughout the country.

### **(U) DRUG DISTRIBUTION**

- (U) According to *2014 FBI Safe Streets and Gang Task Force Survey* respondents, the top reported drugs by region are as follows: West: methamphetamine; North Central: cocaine; Northeast: heroin; South Central: cocaine; Southeast: heroin.<sup>6</sup>
- (U) As of August 2014, Taliban and Young N' Thuggin gang members distributed crack cocaine, powder cocaine, marijuana, liquid codeine and prescription drugs in Minnesota and North Dakota.<sup>7</sup>
- (U) Open source reporting indicates the Hoover Crips trafficked approximately \$10 million of cocaine and marijuana obtained from MTCOs through Dallas, Texas; Oklahoma City, Oklahoma; and Tulsa, Oklahoma, before going through Ohio to the northeastern United States.<sup>8</sup>

### **(U) INTIMIDATION/THREATS**

- (U) According to open source information, 12 suspected United Blood Nation (UBN) members were charged in the October 2014 murders of a Charlotte, North Carolina, couple in order to prevent the husband from

testifying against UBN members who tried to rob their mattress store.<sup>9</sup>

### **(U) FINANCIAL CRIMES**

(U) Survey results indicate that – although to a lesser extent than violent crime – street gangs continue to engage in financial crimes, such as identity theft, credit card fraud, prescription drug fraud, counterfeiting, check fraud, fencing stolen goods, money laundering, mortgage fraud, social security fraud, and tax fraud. Over the last few years, street gangs have become more involved in white-collar crimes due to weaker sentencing guidelines and the ease of making money.

### **(U) ALLIANCES AND RIVALRIES**

(U) Gangs are flexible organizations that form alliances and rivalries based on race, geography, protection, resources, and control. These alliances and rivalries are formed to attain as much money and power as possible. Ultimately, a gang will feud with any organization that interferes with its objectives and will align with any organization that will advance its objectives.

(U) Collaboration among street gangs has increased, with approximately 43 percent of jurisdictions reporting that rival gangs formed alliances over the past two years.<sup>10</sup> Multiple jurisdictions report gangs in their jurisdiction merged or formed hybrid gangs to thwart law enforcement efforts through their use of unknown names and symbols. However, the most common reason survey respondents cite for these alliances is mutual benefit, particularly to maximize profits from drug activities.<sup>11</sup>

- (U) In San Diego, California, the Black MOB, Skanless, Neighborhood Crips, Lincoln Park,



and West Coast Crips gangs worked together to traffic females in 46 cities across 23 states.<sup>12</sup>

(U) Despite increased collaboration for mutual profit, street gangs continue to feud and form rivalries. These conflicts often arise over drugs, money, and territory.

## (U) TRENDS

### (U) THREATS TO LAW ENFORCEMENT

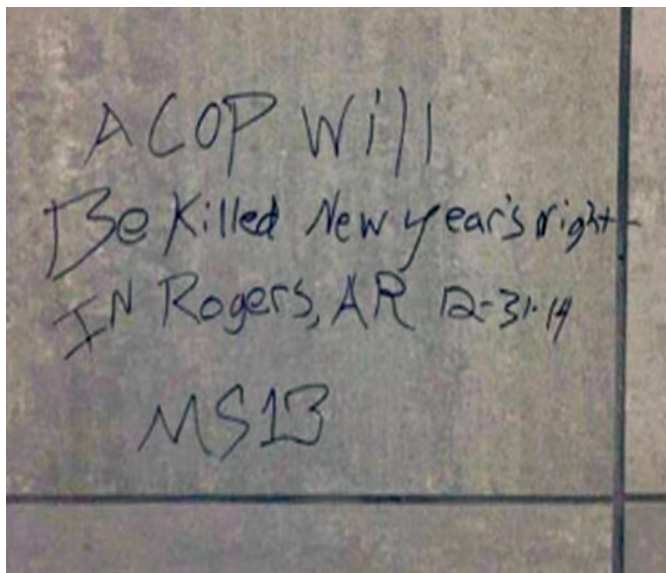
(U) While the relationship between law enforcement and gangs has always been tumultuous and threats of harm from numerous gangs have been documented against law enforcement, recent reporting indicates that gangs are becoming bolder in both their threats and actions toward law enforcement. Approximately one-third of jurisdictions report an increase in threats to law enforcement. The attacks that were carried out against law enforcement and judicial officials were violent and brazen. However, the actual number of attacks against law enforcement has remained relatively stable.

- (U) On 24 May 2014, a police officer of the Salt River Pima-Maricopa Indian Community in Arizona was murdered by members of the East Side Los Guada Bloods in response to a racketeering case against the gang. Furthermore, the East Valley Gang and Criminal Information Fusion Center indicated that leaders of the Warrior Society gang encouraged members to target law enforcement officers, specifically officers from tribal agencies.<sup>13</sup>
- (U) On 5 April 2014, the father of a Wake County, North Carolina, Assistant District Attorney (ADA) was kidnapped by known UBN gang members under the direction

of the incarcerated godfather of the 183 Blood set. The original plot was to kidnap and murder the ADA in retaliation for prosecuting the leader. The ADA's father was rescued.<sup>14</sup>

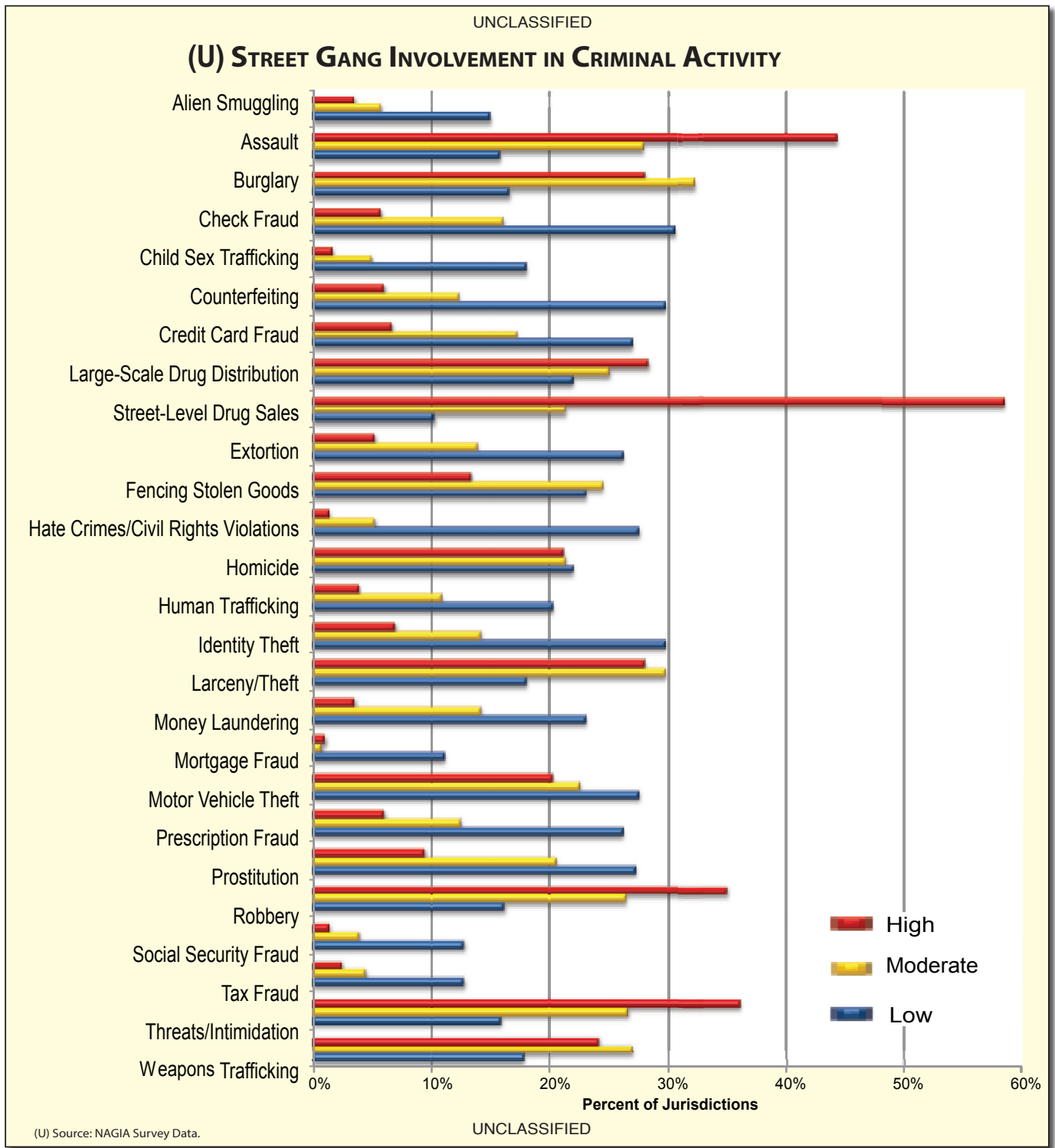
(U) Threats against law enforcement are delivered in numerous ways: in person; through social media; via text messages, phone calls, and e-mail; by items left at an officer's home or office; and through graffiti. Of these methods, threats through social media are most often utilized, followed by in-person threats, and graffiti.<sup>15</sup>

- (U) In early 2014, a Detroit, Michigan, gang member used social media to openly threaten the Detroit Police Chief.<sup>16</sup>
- (U) In December 2014, MS-13 members communicated a threat to Arkansas law enforcement by placing graffiti on the wall of a gas station in Rogers, Arkansas.<sup>17</sup>



(U) Source: KFSM.

(U) MS-13 graffiti threatening law enforcement.



(U) The survey question asked respondents to indicate the level of street gang involvement in various criminal activities. The choices were High, Moderate, Low, Unknown, and None. The graphic depicts the percent of jurisdictions reporting High, Moderate, and Low gang involvement for each criminal activity.

## (U) PRISON GANGS

**(U) Definition:** A prison gang is a criminal organization that originates in the penal system and continues to operate within correctional facilities throughout the United States. Prison gangs are self-perpetuating criminal entities that also continue their operations outside of prison.

(U) Much of the threat of prison gangs stems from their nexus to street gangs. Though not visible to the outside world, prison gangs impact communities nationwide through their control over their street subordinates. Street gang members commit crimes at the behest of incarcerated members and then forward revenue and contraband gained from the commission of their crimes into prison. In exchange, incarcerated gang members provide protection to the street gang members when they are incarcerated.

### (U) MEMBERSHIP

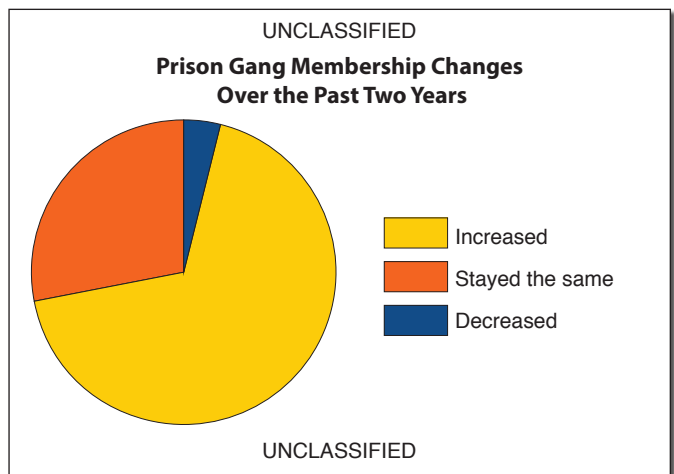
(U) Prison gangs most often form along racial or ethnic lines.<sup>18</sup> This can be observed in state and federal facilities across the country.

- (U) According to survey findings, Bloods, Crips, Sureños, Almighty Latin King and Queen Nation, and Gangster Disciples rank as the five most commonly reported gangs within state facilities.<sup>19</sup>

(U) Survey results show that prison gang membership has increased steadily in correctional systems at federal, state, and local levels.<sup>20</sup> Prison gang numbers fluctuate from

one institution to another and from one system to another due to inmate transfers, inmate releases, and the introduction of existing gang members to the population.

- (U) Overall, 68 percent of survey respondents indicate prison gang membership has increased in the past two years.<sup>21</sup>
- (U) Individually, 75 percent of BOP survey participants, 79 percent of state participants, and 100 percent of local participants marked a notable increase in membership.<sup>22</sup>



(U) Source: NAGIA Survey Data.

## (U) STRUCTURE

(U) Many street and prison gangs organize into a single structure that divides into two primary categories: leadership and soldiers. Leadership roles of incarcerated members extend from prison activities to street operations.

- (U) In Hispanic gang culture, particularly in California, prison gangs strictly oversee street gangs. The two lead Hispanic prison gangs in California – the Mexican Mafia and the Nuestra Familia – and their respective subordinates – Sureños<sup>b</sup> and Norteños – maintain structures wherein incarcerated members direct their street partners. In the Mexican Mafia/Sureño infrastructure, leadership falls exclusively to the Mexican Mafia, which is comprised almost entirely of inmates with life sentences. Hispanic gang structure is a parent/subordinate arrangement, whereby Mexican Mafia and Nuestra Familia leaders appoint shot callers to direct Sureño and Norteño street activity. Appointed Sureño and Norteño shot callers enforce orders from their prison leaders and thereby act as conduits between the street and prison.

(U) The dynamic between street and prison gangs is usually one of prison leadership and street subordination. However, some

intelligence reveals reversals of power and opposite methods of operations in street/prison arrangements. While the power structure in these instances is not one of prison leadership and street subordination, prison gang involvement still contributes to criminal activities outside correctional facilities and can elevate the threat to communities.

## (U) CRIMINAL ACTIVITY

(U) Prison gangs commit a wide spectrum of crimes, from minor transgressions to acts of extreme violence that claim multiple victims. Not every prison gang commits every type of crime, as gangs vary by sophistication, size, and other factors that influence criminal potential. However, prison gangs will engage in any illicit activity that will further their objectives to generate money, control territory, and secure power.

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<sup>b</sup> (U) The Mexican Mafia and Sureños are distinct yet interdependent organizations that function in a parent/subordinate capacity. The Mexican Mafia issues orders to Sureños that in turn serve as foot soldiers for the Mexican Mafia. Sureño gangs, to include MS-13, do not hold membership in the Mexican Mafia and can be categorized into their own distinct gangs.

## **(U) Prison Gangs v. Street Gangs**

(U) Prison gangs typically consist of a select group of inmates that maintain an organized hierarchy and an established code of conduct. Prison gangs vary in organization – from tightly structured hierarchies – to loosely assembled conglomerations. A prison gang employs rules for joining and operating within its association; meets on a regular basis; provides physical protection to its members; seeks territorial control; defends its interests; and sustains an identifiable structure.

(U) Gang culture in prison parallels that on the streets. Much like street gang practice, prison gang members function under the mentality of unification and adherence to a single ideology. As with street gangs, prison gangs unite under the banner of one name and identify with one set of signs and symbols. The names of most prison gangs are synonymous with their symbols and they use the two interchangeably in their artwork, tattoos, and other forms of communication.

(U) Prison gang objectives mirror street gang priorities to gain as much influence and generate as much money as possible. The basic purpose of a prison gang is to engage in criminal activity and use violence and intimidation to further its power, reputation, and resources.

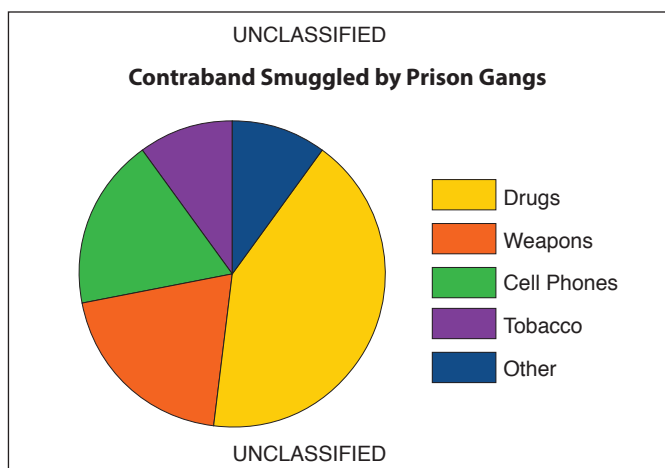
(U) Prison gangs are typically more structured and disciplined than street gangs because they do not have the same mobility; incarcerated members cannot escape their environment and are thereby forced to comply with the regulations of their gangs. Membership is for life in most prison gangs; dropping out is punishable by death, which is easy to enforce given its membership is confined to a shared space.

(U) The threat of prison gangs lies largely in their control over street gangs and in their ties to MTCOs. Prison gangs order gang members on the street to conduct crimes on their behalf and thereby function as brokers in the transfer of drugs from MTCOs to street gangs. Both activities render prison gangs proximally responsible for many of the drug crimes that occur in the United States.

(U) Many prison gangs operate almost entirely by reputation and are not visible to the street gang members they control. Likewise, they are not immediately discernible to law enforcement and are hidden from the general public. Thus, the threat of prison gangs is often overlooked, which ultimately allows them to escape law enforcement scrutiny and remain untargeted in gang investigations. Due to their grip on street gangs, prison gangs are able to remain anonymous in their crimes and in their effect on national crime rates. The symbiotic relationship between street and prison gangs makes prison gangs a matter of national concern, as street gangs commit crimes and impact communities across the country on behalf of prison gangs.

## (U) SMUGGLING

(U) Prison gangs across the nation partake in smuggling activities. The contraband most commonly reported – drugs, weapons, and cell phones – all facilitate gang objectives to increase power, control territory, and produce revenue. Drugs translate to money; weapons generate power; and cell phones enable inmates to readily direct gang members in the territories under their command.



(U) Source: NAGIA Survey Data.

- (U) Drugs are the most common contraband reported inside prisons, accounting for almost half of total contraband. Marijuana and synthetic cannabinoids<sup>c</sup> are equally reported, followed by Suboxone, heroin, and methamphetamine.<sup>23</sup>

<sup>c</sup> (U) Synthetic cannabinoids, often referred to as “K2” or “spice”, refers to a wide variety of drugs manufactured in laboratories to mimic the effects of controlled substances. When one synthetic cannabinoid becomes scheduled, chemists alter the chemical formula to produce a new substance that is not yet scheduled. Distributors label these drugs as “not for human consumption” in an attempt to avoid enforcement action. They are typically sprayed onto shredded plant material and then smoked.

- (U) Weapons are the second most reported contraband, with homemade weapons being of greatest concern.<sup>24</sup>
- (U) Cell phones are the third most common contraband, ranking almost equally with weapons.<sup>25</sup>



(U) Source: BOP.

(U) Cigarettes smuggled into a prison.

- (U) Tobacco, alcohol, food, gang-related paraphernalia, and other items comprise the rest of the contraband in survey reports.<sup>26</sup>
- (U) State facilities report collusion with prison staff is the primary method gangs use to smuggle cell phones.<sup>27</sup> Smuggling occurs through corrupt staff, visitors, and legal mail, such as packages and letters. In some





(U) Source: BOP.

(U) Suboxone hidden in a magazine sent to an inmate.

cases, contraband is thrown over fences onto prison yards. The high occurrence of cell phone smuggling is due to the fact that communication is paramount to the control prison gangs maintain over street gangs.

## (U) DRUGS

(U) State and federal facilities reported drug trafficking among the top crimes prison gangs commit. Accordingly, drugs provide the number one source of revenue for street and prison gangs and thus the two entities work jointly to secure illicit funds through drug-related crimes and to establish influence in the drug trade.

(U) Prison gangs do not gravitate toward a specific drug type. Drug involvement only requires accessibility. The drugs most readily available in a specific region also rank among the highest reported. Since their ultimate objective is to make money, gangs will attempt to capitalize on any drug within reach. For that



(U) Source: BOP.

(U) Drugs smuggled into a prison.

reason, law enforcement reporting links gangs to all drug types.<sup>28</sup>

- (U) According to survey responses from state correction entities, gangs are connected to the following drugs: marijuana, cocaine, crystal methamphetamine, Suboxone, heroin, and synthetic cannabinoids.<sup>29</sup>

## (U) TRENDS

### (U) CORRUPTION OF PRISON STAFF

(U) Corruption of prison staff continues to threaten the US penal system. Many prison gangs target corrections officers specifically to facilitate their interactions with street gangs and to sustain their criminal operations. Studies implicate officers in transgressions, such as smuggling contraband, laundering money, providing sexual favors to gang members, engaging in prostitution activities, issuing orders to street gangs, and assisting communication efforts between prison and

street members.<sup>30</sup> Most often, compromised prison staff smuggle such contraband as drugs, cigarettes, and cell phones for gang members. These items rank high in smuggling efforts of corrupt staff, as drugs and cigarettes constitute the backbone of the black-market economy run by gangs and cell phones allow prisoners to communicate within institutions, between prisons, and with their street counterparts.<sup>31</sup>

- (U) Approximately two-thirds of survey respondents report that staff members aid inmates in smuggling cell phones into facilities.<sup>32</sup>
- (U) According to open source reporting, two prison sergeants of the Florida Department of Corrections allegedly ordered an inmate to be killed to protect their involvement

in an institution-wide gang operation. By account of court records, for more than a year, at least five guards, including the two sergeants in question, smuggled drugs, cigarettes, and cell phones for Bloods and Folk Nation gangs in exchange for thousands of dollars in payment.<sup>33</sup>

- (U) The Maryland Department of Public Safety and Correctional Services uncovered a ring of corrupt prison staff in collusion with the Black Guerilla Family. As of March 2015, 24 correctional officers were convicted for their role in the racketeering conspiracy, which included helping the Black Guerilla Family smuggle cell phones, prescription pills, and other contraband into a city jail by means of their hair, shoes, and underwear.<sup>34</sup>



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(U) Source: Pixabay.com.

- (U) Open source reporting indicates that since 2010, the Mississippi Department of Corrections has referred 63 cases for prosecution of officers involved in smuggling contraband into prison. Accordingly, a former corrections officer claims some corrupt officers make thousands of dollars for smuggling contraband. A former gang leader agrees, stating that many officers find it difficult to resist the “easy” money. Reports reveal corrupt officers also provided favors, such as allowing gang members in lockdown to move into another area to injure a fellow inmate.<sup>35</sup>

### ***(U) MEASURES OF OPEN CONCEALMENT***

(U) Prison gangs will resort to any means possible to further their objectives. One method gangs use to advance their cause is to exploit their First Amendment rights so they may conduct gang activity openly without detection. In some cases, gang members infiltrate religious groups to conduct meetings, move and hide contraband, or obtain prohibited material.

### ***(U) FEMALE PRISON REPRESENTATION***

(U) Female involvement in prison gangs most often occurs in the form of outside facilitation, presenting females as active yet subsidiary participants that aid and abet crimes led by their male counterparts. Prison gangs rely on female facilitation to further criminal objectives – and in some cases to merely exist – as many prison gangs could not survive without their female partners.<sup>36</sup>

## (U) OUTLAW MOTORCYCLE GANGS

**(U) Definition:** *OMGs are ongoing organizations, associations or groups of three or more persons with a common interest or activity characterized by the commission of, or involvement in, a pattern of criminal conduct. Members must possess and be able to operate a motorcycle to achieve and maintain membership within the group.*

### (U) Characteristics of Outlaw Motorcycle Gangs

(U) The Hells Angels Motorcycle Club, Pagans, Vagos, Sons of Silence, Outlaws, Bandidos, and Mongols are the largest OMGs. All are classified as “one percent” (1%) clubs. The term 1% originated when the American Motorcycle Association released a statement in response to a riot that occurred on 4 July 1947 at the Dirt Hill Climb motorcycle races in Hollister, California. The American Motorcycle Association spokesperson stated that 99 percent of the motorcycling public was comprised of honest, law-abiding citizens, and that only one percent constituted troublemakers. OMGs took pride in the reference and adopted 1% as its symbol. Not all OMG members boast the symbol; however, OMGs profess to be one percenters or the one percent of bikers who have rejected societal norms and dedicated their lives to their club.

(U) Motorcycle gangs have evolved over the past 67 years from bar room brawlers to sophisticated criminals. OMGs, which were formed in the United States, over the last 50 years have spread internationally and today they are a global phenomenon. The Hells Angels in particular stands out for its international connectivity. Survey respondents identify Hells Angels members, more than any other OMG, as having the most international travel within the last two years.

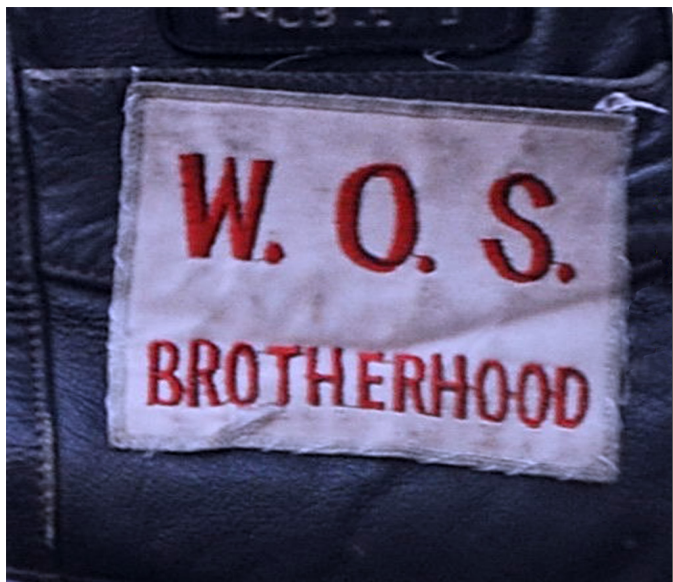
(U) Ownership of motorcycles has created a growth industry that accommodates thousands of legitimate recreational riders throughout North America. Increasing societal acceptance of motorcycle riders has provided OMGs a way to camouflage their gangs’ nefarious criminal activities. The larger, more sophisticated OMGs, such as the Hells Angels, Iron Horsemen, Outlaws, Bandidos, Mongols, Pagans, Sons of Silence, and the Vagos have adopted the public posture of claiming they are just motorcycle riders who belong to a club. The other part of the subterfuge lies with their claim that the criminal activities of individual members are not directed by the gang. Other gangs claim their violent reputation is due to criminal activities in their past.



## (U) MEMBERSHIP AND RECRUITMENT

(U) OMGs recruit mainly from fellow motorcycle enthusiasts and from the US biker community at large. Larger OMGs often have proxy gangs or support clubs, which according to survey results, account for the vast majority of OMG recruits. Some larger OMGs require smaller motorcycle gangs or sport bike clubs to wear support patches. These OMGs demand monthly payments from each motorcycle club or sport bike club member in exchange for their use of support patches. Refusal to wear a support patch results in violence. Accordingly, membership in an OMG is an extremely violent existence marked by frequent assaults by rival gangs and intra-gang aggression.

- (U) OMGs sell support gear to their associates to fundraise for their clubs and to demonstrate the dominance, control, and support the OMG has in that geographic



(U) Source: ATF.

(U) Wheels of Soul support patch.



(U) Source: ATF via the Columbus, Ohio, Police Department.

(U) Phantom Motorcycle Club flag demonstrating connections to the Vice Lords street gang through the inclusion of the top hat and cane emblem.

area. Wearing support gear of one gang into the territory of a rival is seen as an act of disrespect that has resulted in violent confrontations.

(U) Reporting indicates street gangs, prison gangs, and extremist groups serve as significant recruiting pools for OMGs, with approximately equal recruitment from each category. Black OMGs are known to recruit members from street gangs.

- (U) According to a US Department of Justice press release, six leaders and members of the Phantom Motorcycle Club and Vice Lords street gang were convicted of conspiracy to commit murder and other racketeering offenses, as of March 2015. The Phantom Motorcycle Club National President, National Enforcer, and four other members were found guilty.<sup>37</sup>

(U) The largest black motorcycle gangs—Chosen Few, Hell’s Lovers, Outcasts, Sin City Deciples, Thunderguards, and Wheels of Soul—have a male only membership. Although primarily African American, the Chosen Few, Hell’s Lovers, Sin City Deciples, Thunderguards, and Wheels of Soul have some non-African American members. Black motorcycle gang violence has historically involved assaults and homicides, which have been directed against smaller motorcycle group members. There does not appear to be a formal alliance among the Black Outlaw Motorcycle Clubs as each gang has had violent encounters. However, some Black Outlaw Motorcycle Clubs have formed informal alliances when advantageous in their geographic region.

- (U) On 17 May 2015, several Texas motorcycle clubs arranged to meet at the Twin Peaks restaurant in Waco, Texas, to discuss and possibly resolve ongoing issues between the Cossacks and Bandidos. An altercation occurred between the Bandidos, Cossacks, and their respective support clubs in which nine individuals were killed and numerous others were injured.<sup>38</sup>
- (U) In February 2015, members of the Hells Angels and Red Devils, a support club for the Hells Angels, pleaded guilty to conspiracy to commit a series of violent racketeering crimes, including maiming, assault with a weapon, and assault resulting in serious bodily injury.<sup>39</sup>

## (U) CRIMINAL ACTIVITY

(U) The size of an OMG influences its ability to form gang alliances and engage in criminal activities. Over the past two years, larger motorcycle gangs have continued to gain or maintain control of geographic areas and have established new chapters, thereby attracting many new members. This has caused geographic clashes for dominance in overlapping gang-controlled areas. These clashes lead to a cycle of violence in which OMGs seek retribution for actions against the gang or a fellow member. The cycle of violence is often punctuated by periodic truces.



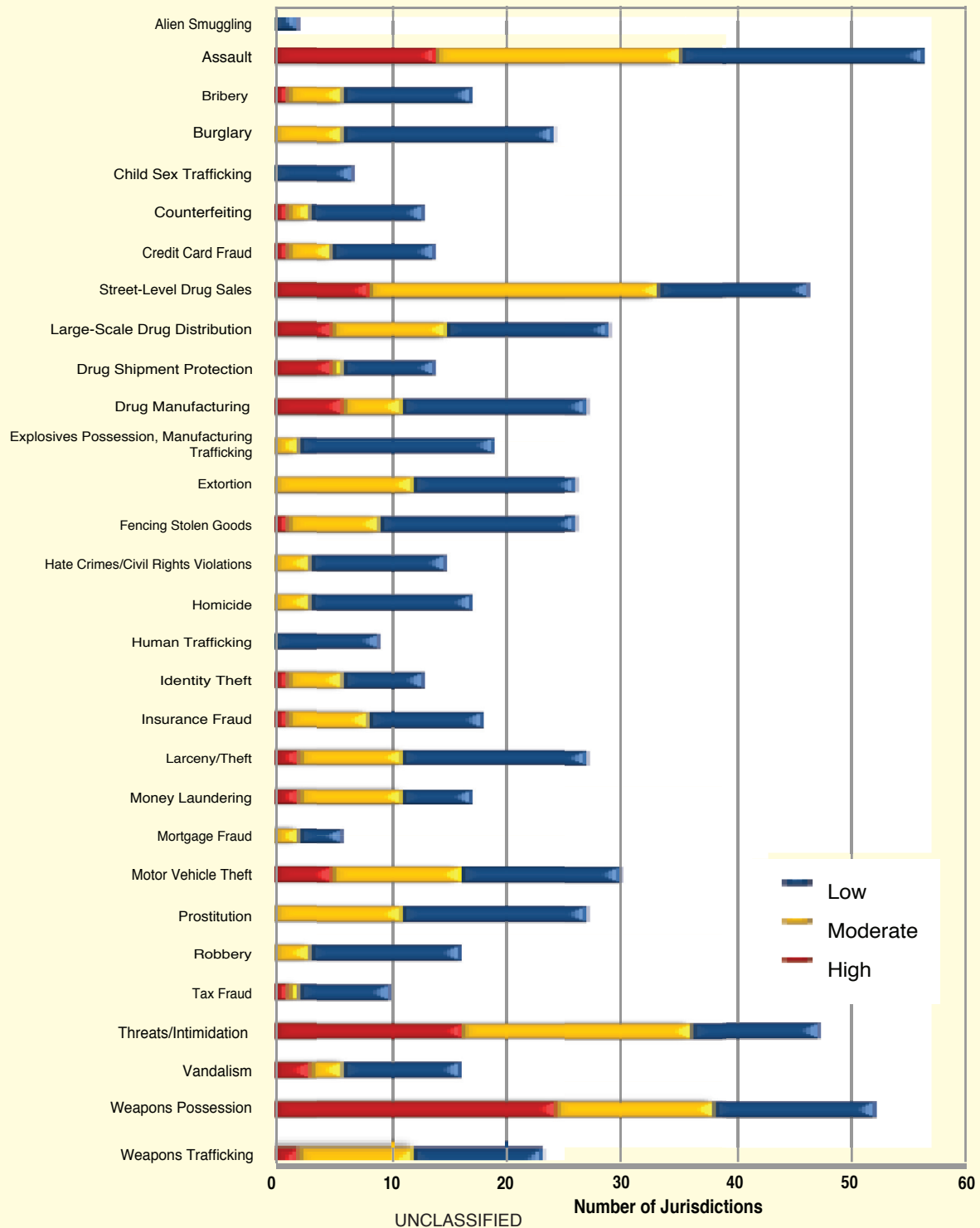
(U) Source: The Associated Press by Jerry Larson.

(U) Twin Peaks restaurant, the site of a violent confrontation between the Cossacks and Bandidos in May 2015.



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## (U) OMG Involvement in Criminal Activity



(U) Source: NAGIA Survey Data.

(U) The survey question asked respondents to indicate the level of OMG involvement in various criminal activities in their jurisdiction. The choices were High, Moderate, Low, Unknown, and None. The graph depicts the number of jurisdictions reporting High, Moderate, and Low OMG involvement for each criminal activity.



(U) Source: ATF

(U) Support patch for Hells Angels, represented by the number 81, and the Red Devils, represented by the number 184.

- (U) In September 2014, several Outcast Motorcycle Club members arrived at the Showstoppers Motorcycle Club clubhouse in Birmingham, Alabama, and opened fire, killing members of the Wheels of Soul and Showstoppers.<sup>40</sup>

(U) OMGs have a well-earned reputation for violence, so witnesses are often reluctant to testify for fear of retaliation. Thus, unless an OMG commits a homicide or an assault that requires hospitalization, OMG violence frequently goes unreported to law enforcement.

- (U) In March 2015, members of the Wheels of Soul and Bandidos engaged in a gunfight at a restaurant in Albuquerque, New Mexico. Although a Wheels of Soul member was shot and sustained non-life-threatening injuries, he was not willing to talk to police about the incident.<sup>41</sup>

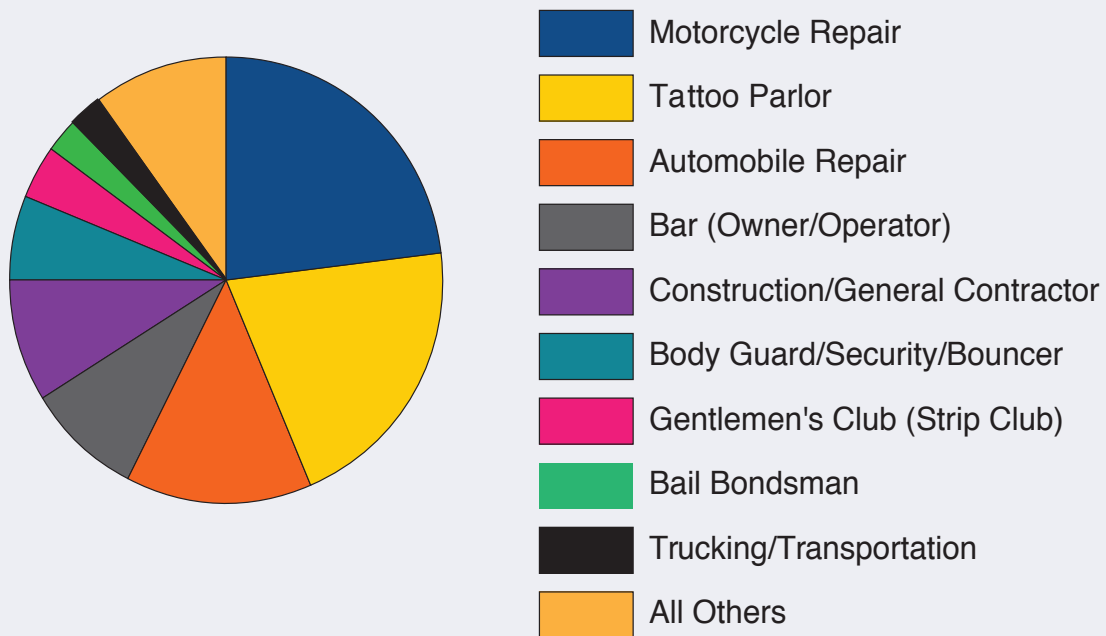
- (U) According to open source reporting, in March 2014, two Hells Angels members sought medical treatment for stab wounds sustained during an altercation with Mongols members on a freeway near Temecula, California. The injured Hells Angels members were not willing to cooperate with law enforcement or say who was responsible for their injuries.<sup>42</sup>

(U) OMGs engage primarily in violent crimes, such as assault, robbery, and homicide. According to survey respondents, weapons possession; threats and intimidation; assault; and drug trafficking were the most common criminal activities committed by OMGs over the past two years.<sup>43</sup> The assaults and robberies were often directed at rival gangs or individuals involved in other criminal activities like drug trafficking. Methamphetamine, cocaine, and marijuana ranked respectively as the top three drugs that led to OMG arrests over the past two years.

## (U) TRENDS

(U) Over the past several years, there has been reporting of OMG members retaining employment in various white-collar professions. Accordingly, many OMG members are business owners. Most survey responses report that a preponderance of businesses owned by OMG members involve manual labor, which perpetuates the myth that OMGs are typically blue-collar workers. Based on survey responses, businesses owned by motorcycle gang members predominately involve the service industry, such as motorcycle repair shops and tattoo shops.<sup>44</sup> In some instances, OMGs use their businesses to facilitate criminal activity.

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**(U) OMG Member-Owned Businesses**

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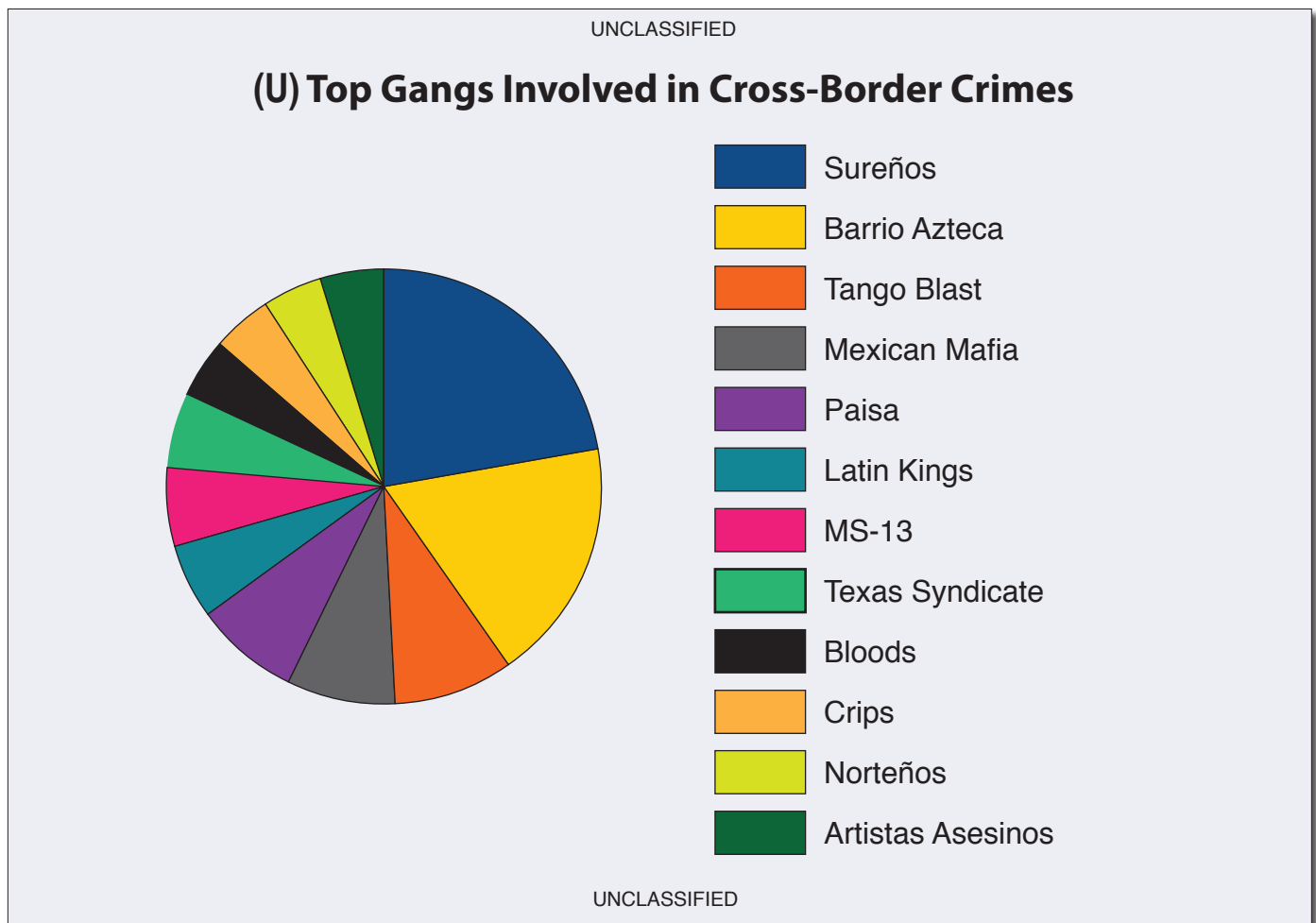
(U) Source: NAGIA Survey Data.

## (U) GANGS AND THE SOUTHWEST BORDER

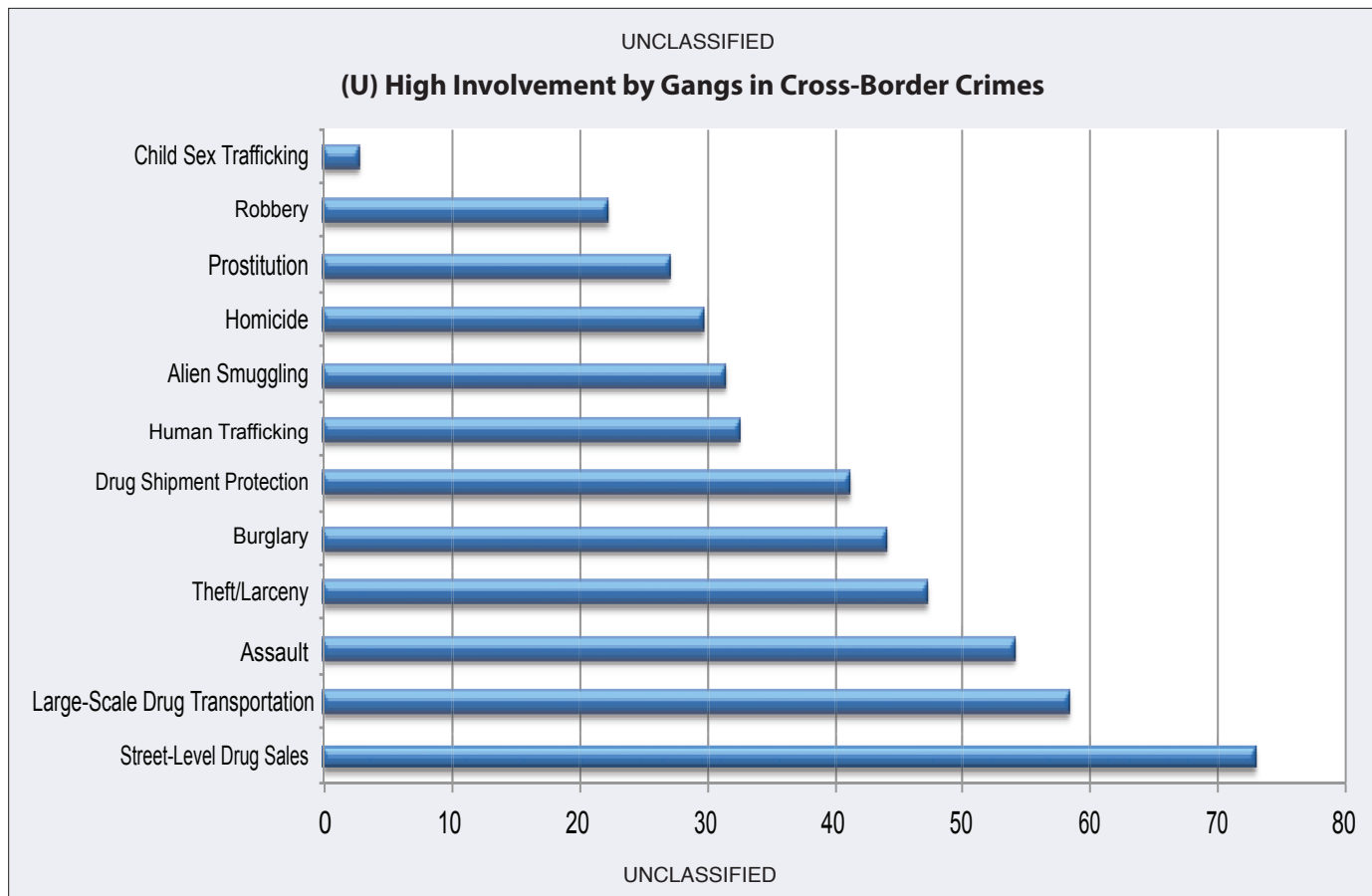
(U) Cross-border crime remains a significant concern for law enforcement throughout the country, as these crimes directly impact border regions and indirectly impact jurisdictions throughout the country. Drug trafficking that emanates from the US southwest border affects all regions, as gangs fight to defend their drug distribution territory and distribute harmful drugs to communities throughout the United States.

(U) Survey respondents identified more than 96 gangs conducting cross-border crimes.<sup>45</sup> Sureños, Barrio Azteca, and Tango Blast ranked as the top three most criminally active gangs along the US/Mexico border.

(U) According to survey respondents, drug trafficking is the cross-border crime most frequently conducted by gangs.<sup>46</sup> Street-level sales are the most common drug



(U) Source: NAGIA Survey Data.



(U) Source: NAGIA Survey Data.

(U) The survey question asked respondents to indicate the level of involvement in various criminal activities. The choices were High, Moderate, Low, Unknown, None. The percentages focus on responses indicating High involvement. "Prostitution," "Alien Smuggling," and "Human Trafficking" are further defined in the Gang Involvement in Sex Trafficking and Prostitution section of this report.

trafficking activity, more so than drug shipment protection or large-scale transportation. Survey respondents indicate that high<sup>d</sup> gang involvement in these aspects of drug trafficking were approximately 73 percent, 41 percent, and 58 percent, respectively.

(U) Gang members utilize a multitude of methods to smuggle drugs into the United States. Respondents identified the following methods: load driver, vehicles with hidden

compartments, tractor trailers, commercial vehicles, passenger vehicles, on-foot/back pack, rail (freight or passenger train), internal cavity concealment, body carry, and even the creation of an alliance with a rival gang to coordinate drug transportation. The means by which a gang attempted to traffic drugs into the United States depended on its relationship with its supplier and its objectives.

<sup>d</sup> (U) The survey questions asked respondents to indicate the level of involvement in various criminal activities. The choices were High, Moderate, Low, Unknown, None. The percentages focus on responses indicating High involvement.



(U) Source: DEA.

Menace of Destruction, Hermanos de los Pistoleros, and Crips all work with the Sinaloa Cartel.<sup>49</sup> However, only 16 percent of respondents indicate knowledge of prison gang and MTCO collaborations.<sup>50</sup>

(U) Survey respondents across the nation connect their local gangs to MTCOs. However, the vast majority of respondents cannot explain the origins of the connections nor how the organizations interact.<sup>47,48</sup> On the topic of which gangs maintain relationships with MTCOs, respondents most often cite Barrio Azteca and Sureños. The Sinaloa and Juarez Cartels were most frequently referenced for their ties to gangs. Interestingly, some responses indicate “any available drug trafficking organization” suffices.

- (U) According to data from the *2014 Safe Streets and Gang Task Force Survey*, gangs in all five Safe Streets and Gang Task Force regions are tied to the Sinaloa Cartel.
- (U) Similarly, prison gang survey respondents most commonly pair gangs with the Sinaloa Cartel. According to survey data, Sureños, Mexican Mafia, Norteños, Tango Blast, Bloods, Aryan Brotherhood, Gangster Disciples, Ghost Face Gangsters,



## (U) GANGS AND EXTREMIST GROUPS

(U) Gangs provide fertile grounds for recruitment by extremist groups, including black separatist extremists,<sup>e</sup> white supremacist extremists, and sovereign citizen extremists.<sup>f</sup> Recruiting gang members enables these groups to expand and spread their doctrine. Gangs then use these groups and their teachings for a number of reasons, including the ability to exploit Freedom of Religion rights; to increase membership and collaboration with other criminal organizations; and to respond to perceived injustices by attempting to enact social change, often by engaging in criminal activity.

(U) Approximately one-quarter of jurisdictions and 44 percent of correctional facilities report gang members in their jurisdiction joined extremist groups.<sup>51</sup> OMG members, for example, continue to establish and maintain relationships with domestic extremist groups.<sup>52</sup> Traditionally all-white OMGs and predominantly African American OMGs were both identified as associating with white supremacist groups and black separatist groups, respectively. Some gang members may also adhere to anti-government ideologies, for example claiming sovereign citizen status to escape criminal charges or indictment.

### (U) BLACK SEPARATIST EXTREMISTS

(U) Over the past two years, gangs have increasingly adopted and incorporated black separatist extremist ideologies, using these

<sup>e</sup> (U) Black separatist extremists are individuals or groups who seek a separation from the non-black US population wholly or in part through the use of force or violence in violation of federal law.

<sup>f</sup> (U) Sovereign citizen extremists are US citizens who reject their US citizenship and seek to advance their beliefs through force or violence, in violation of federal law.



(U) Source: FBI.

(U) Bumper sticker containing sovereign citizen rhetoric.

teachings to advance the gang, justify criminal activities, or create new organizations.

### (U) WHITE SUPREMACIST EXTREMISTS

(U) Driven by their belief in their superiority, white supremacist groups attempt to recruit gang members with similar ideologies. White supremacist groups work with gangs to facilitate illegal activity and to advance their cause.

### (U) ANTI-GOVERNMENT INDOCTRINATION

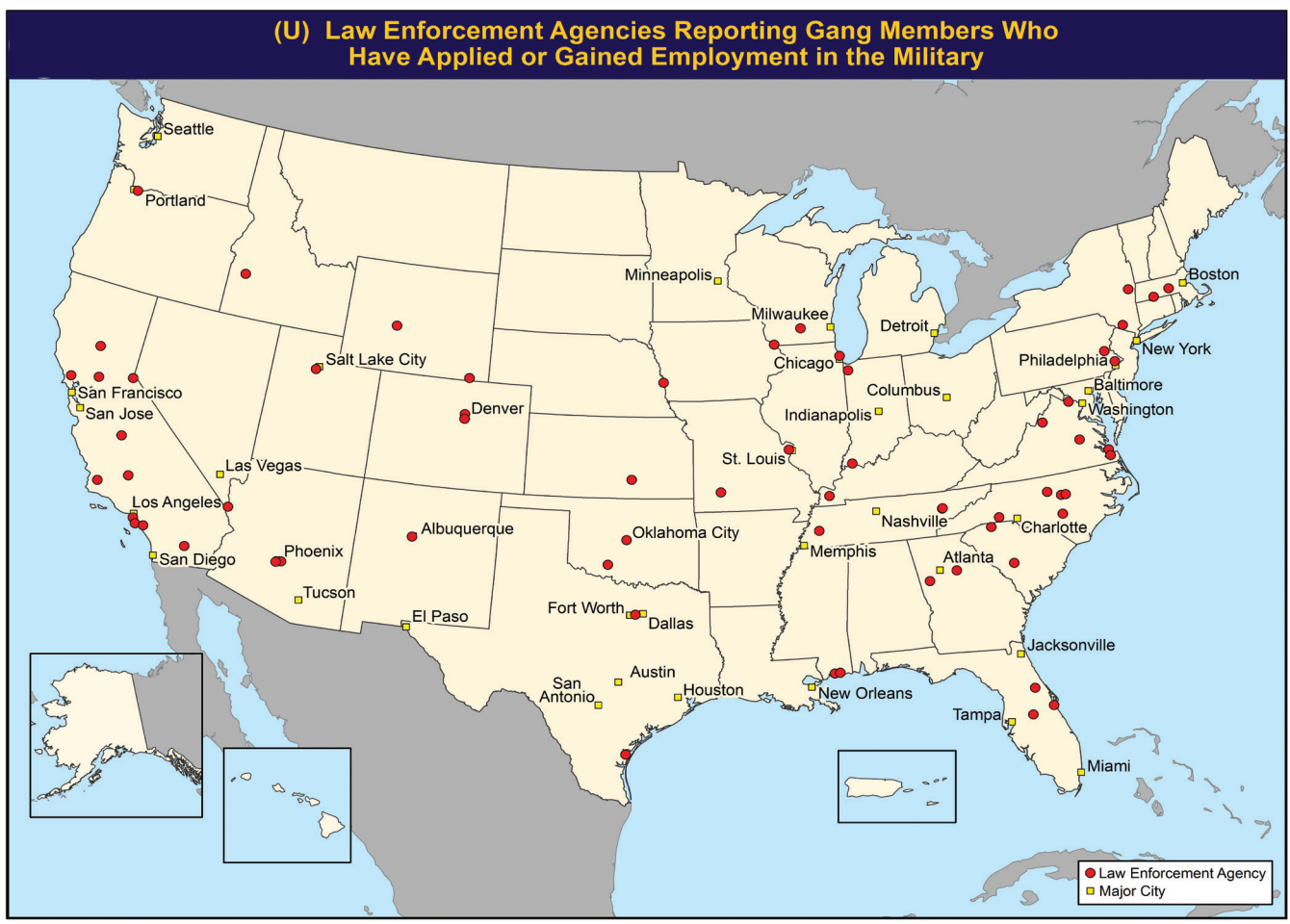
(U) FBI reporting and survey data results reveal some gang members embrace anti-government philosophies and refuse to recognize the authority of the US Government.

Gang members often learn anti-government tactics while incarcerated. Once released, gang members continue to use the tactics during interactions with law enforcement in attempts to circumvent legal recourse.

## (U) GANGS IN THE MILITARY AND GOVERNMENT INSTITUTIONS

(U) Survey respondents indicate that known or suspected gang members from more than 100 jurisdictions applied for positions or gained employment at any level of the US military, law enforcement, corrections, or the judiciary over the past two years.<sup>53</sup> Of those, the US military was identified as the most common, followed by corrections, law enforcement, and judiciary.

(U) Military-trained gang members pose a serious threat to law enforcement and to the public. They learn combat tactics in the military, then return home to utilize these new skills against rival gangs or law enforcement. Military training of individual gang members could ultimately result in more sophisticated and deadly gangs, as well as deadly assaults on law enforcement officers.



(U) Source: NAGIA Survey Data.

(U) Law enforcement agencies reporting gang members who have applied or gained employment in the military.

Additionally, military members' access to weapons and their perceived ability to move easily across the US border may render them ideal targets for recruitment. Survey responses indicate that members of all gang types have been reported to have military connections or training.

- (U) According to a report by the Virginia Department of Corrections, in March 2015, an inmate with gang membership had been corresponding with other members of his gang in an attempt to recruit and evaluate an Army soldier. The active duty soldier knew the inmate through hometown contacts.<sup>54</sup>
- (U) According to open source reporting, in December 2014, an Air Force captain was sentenced to 25 years in prison and dismissed from the service after being found guilty of leading a violent street gang that distributed drugs, provided alcohol to teens, and arranged for the exchange of money for sex with underage girls.<sup>55</sup>

(U) OMGs have strong links to the military.<sup>56</sup> OMGs, such as the Hells Angels, Vagos, and Mongols, have successfully gained access to military installations; recruited several active duty military personnel; and associated regularly with active duty military personnel. ATF and other law enforcement agencies report that OMG members have been employed as federal employees and contractors, active duty military, reservists, and National Guardsmen, which enables expansion.

(U) Gang access to government institutions remains low. However, attempts continue and the potential impact for infiltration is substantial. Infiltration of government institutions can provide gangs with access to sensitive law enforcement information, including law enforcement techniques and pending investigations. Infiltration can further help shield illicit activity and provide access to compromised police officers, which can hamper law enforcement efforts, and ultimately undermine public confidence in law enforcement. Infiltration often involves attempts by gang members, gang associates, and their family members to gain access through civilian positions.

- (U) In December 2014, an officer of the Memphis, Tennessee, Police Department was investigated for her involvement in a local rapper's music video that spoke about gang affiliation and chronicled the officer and a group of women kidnapping another group of women.<sup>57</sup>

## (U) MCIO Statement

(U) The Military Criminal Investigative Organizations (MCIO) – Air Force Office of Special Investigations (AFOSI), Army Criminal Investigation Command (CID), and Naval Criminal Investigative Service (NCIS) – have identified military personnel with street gang and OMG membership or affiliation in their respective branches of the US Armed Forces; however, their presence does not appear to be widespread or organized. The AFOSI, CID, and NCIS report that less than one percent of felony investigations conducted in fiscal years 2013 and 2014 involved military members who were identified as gang members and their associates.

(U) MCIO participation in this publication helps educate our law enforcement partners about the presence of military members with gang affiliation or membership and encourages reporting to the MCIOs when identification of military members with known or suspected gang membership or affiliation is developed. It also helps formulate a more accurate threat picture as it relates to street gangs and OMGs in the military.

(U) The MCIOs encourage gang officers and detectives to reach out to recruiters from all branches of the military in their jurisdiction. This outreach will facilitate coordination and aid recruiters by providing them with an additional resource for tattoo identification and confirming a recruit's possible gang affiliation. Local law enforcement has the best knowledge of gangs in their jurisdiction and these contacts will be a valuable addition to their toolbox.

(U) Department Of Defense Instruction (DODI) 1325.06, Handling of Dissident and Protest Activities Among Members of the Armed Forces, dated 22 February 2014, designates extremist group or gang participation as prohibited activities for US Armed Forces personnel and provides commanders the authority to take administrative and disciplinary actions for that participation. Active participation includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting on-line); knowingly wearing gang colors or clothing; having tattoos or body markings associated with such gangs or organizations; or otherwise engaging in activities in furtherance of the objective of such gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service. In short, commanders are not required to wait until a crime occurs; they can take action based solely on evidence of active participation in a gang.

(U) US DOD, <http://www.dtic.mil/whs/directives/corres/pdf/132506p.pdf>

### MCIO Contact Information

- AFOSI – [hqafosi.watch@us.af.mil](mailto:hqafosi.watch@us.af.mil)
- CID - [Army.CID.Crime.Tips@mail.mil](mailto:Army.CID.Crime.Tips@mail.mil)
- NCIS - <http://www.ncis.navy.mil/> (Text Tip Web Tool link in the center of the homepage)



## (U) GANG INVOLVEMENT IN SEX TRAFFICKING AND PROSTITUTION

**(U) Definition:** Sex trafficking occurs when an adult is induced to engage in a commercial sex act as the result of force, fraud, or coercion, or when the person induced to engage in a commercial sex act has not attained 18 years of age. Prostitution is the unlawful promotion of, or participation in, sexual activities for profit, including solicitation attempts.



(U) Source: Pixabay.com.

(U) As many gangs target juveniles for recruitment, they also target juveniles to engage in prostitution on behalf of the gang. Because these juveniles are under the age of 18, and therefore cannot legally consent, inducing them to engage in prostitution constitutes sex trafficking.

- (U) According to US Immigration and Customs Enforcement (ICE), a Thetford Avenue Buffalos gang member from Dorchester, Massachusetts, was sentenced to 153 months in prison and five years of supervised release for sex trafficking of minors. The gang member photographed a 14- and a 15-year-old girl in suggestive

poses and, using their photographs, created online advertisements for commercial sex.<sup>58</sup>

(U) According to the National Human Trafficking Resource Center, 3,598 cases of sex trafficking were reported in 2014 and 973 cases were reported in the first three months of 2015.<sup>59</sup> However, victims do not frequently report victimization because of shame or fear, and thus this number is likely an underestimation of sex trafficking cases in the United States. Approximately 15 percent of respondents to the street gang survey stated that gangs in their jurisdiction engage in human trafficking. This number is also likely an underestimation for two reasons: the aforementioned under reporting, and misclassifications whereby gang-involved cases are cited as prostitution, rather than sex trafficking, when a minor is involved. Law enforcement reporting indicates that gangs have increasingly engaged in sex trafficking over the past two years.

- (U) According to the Los Angeles, California, District Attorney's Office, a Long Beach gang member engaged in human trafficking in which the victim was forced to provide sex for money and give all profits to the gang. If the victim did not make \$500 a day, she was threatened, beaten, and cut with a knife.<sup>60</sup>



UNCLASSIFIED		
<b>(U) Human Trafficking, Alien Smuggling, and Prostitution</b>		
<b>Human Trafficking</b>	<b>Alien Smuggling</b>	<b>Prostitution</b>
Victims do not consent to their situation	Participants consent to being smuggled across border	Individuals involved consent to a commercial sexual transaction
Is forced exploitation of a person for labor or services* that the victim cannot or believes he or she cannot leave	Contract ends after border crossing	Contract ends after the sexual act is complete
Trafficking must have a commercial aspect but does not require movement of the victim	Smugglers must physically move the "customers"	Movement is irrelevant
Can be international or take place in a single country, no requirement to cross border	Is always international	Can occur anywhere
Crime against a person	Crime against the border	Crime against the state in most areas, legal in some limited areas
<p>*Under U.S. Law, if a person is under 18 and induced to perform a commercial sex act, then it is considered trafficking, regardless of whether fraud, force or coercion is involved.</p> <p>Source: (U) US Department of State, "Fact Sheet: Distinctions between Human Smuggling and Human Trafficking 2006".</p>		
UNCLASSIFIED		

- (U) In February 2015, three MS-13 members or associates were arrested for human trafficking in Fairfax County, Virginia. These arrests are consistent with a reported increase in gang-related human trafficking in Northern Virginia. Over the past year,

20 percent of the leads for the Fairfax County Police Department's Human Trafficking Unit were gang related.<sup>61</sup>

(U) Prostitution is commercial sex that – while usually illegal under state law – is a

consensual agreement between the two parties. Although prostitution is consensual, prostitution rings run by gangs victimize individuals by taking portions of their proceeds to advance the gang's objectives. According to survey respondents, gangs in approximately one-third of jurisdictions have moderate-to-high involvement in prostitution.<sup>62</sup>

- (U) According to a 2014 study conducted by the Urban Institute, four of eight major cities surveyed (Denver, Colorado; San Diego, California; Seattle, Washington; and Washington, DC) showed gangs were involved in sex trafficking. Six of the eight cities observed gang involvement in underground commercial sex economies in their jurisdiction.<sup>63</sup>

(U) Survey results indicate that over the past two years, gangs involved in sex trafficking and prostitution have collaborated with other gangs and criminals to maximize their profits and avoid law enforcement detection. Gangs work together to relocate trafficking victims and to exchange victims, which offers their clients variety in sexual partners and enables maximum profit. Victim exchange and relocation also helps gangs avoid law enforcement detection by preventing identification of victims.

- (U) In Denver, Colorado, there has been evidence of collaboration between rival gangs, the Crips and the Bloods, in order to maximize their sex trafficking and prostitution profits.<sup>64</sup>

## (U) GANGS AND TECHNOLOGY

(U) Gang use of technology and social media has significantly increased over the past two years. Widely used social media platforms, such as Facebook and YouTube, have become ubiquitous in gang activity. According to survey respondents, the most common social media platforms that street gangs use are Facebook, YouTube, Instagram, and Twitter.<sup>65</sup> Gangs are also discovering and utilizing new platforms and applications on a daily basis. They use various sites, applications, and platforms for a multitude of reasons, including recruitment, communication, targeting rivals, advancing

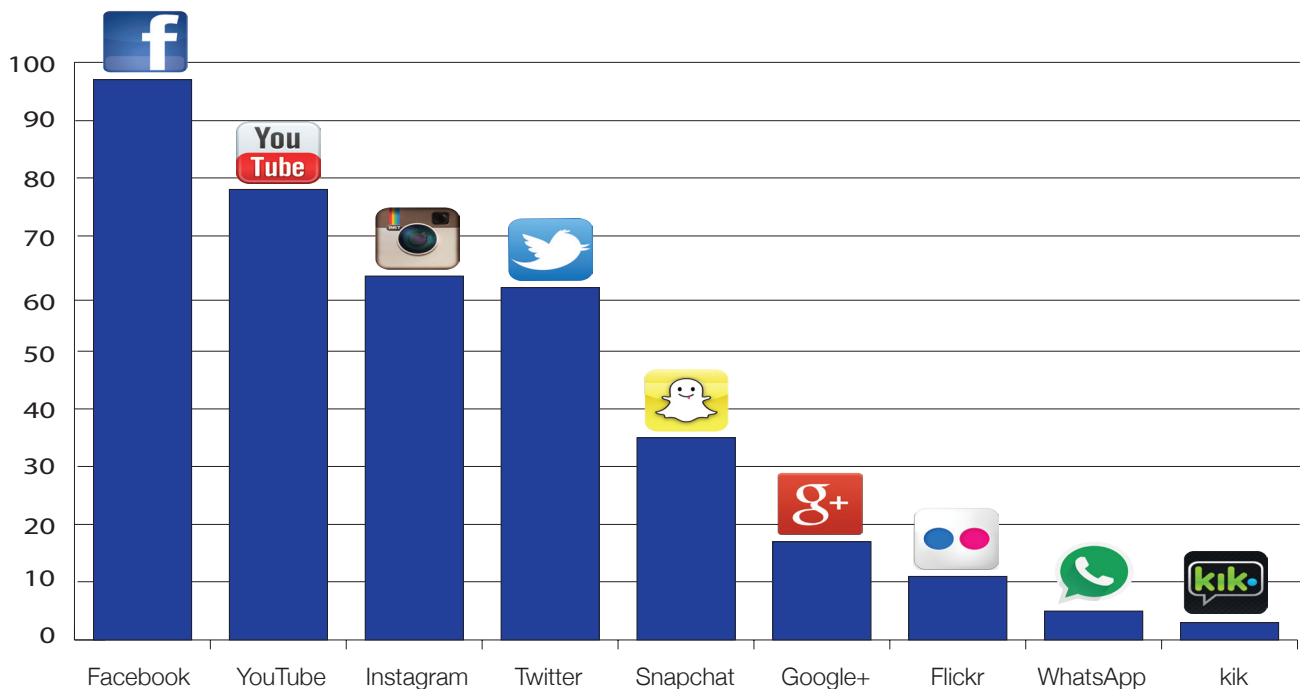
criminal activities, and thwarting law enforcement.

### (U) RECRUITMENT

(U) Social media sites provide gangs with a platform to recruit new members, either through direct communication or indirectly through videos that spread the gang's brand and boast the benefits of the gang lifestyle.

- (U) BMS, a combination of the Black MOB and Skanless gangs in California, used

**(U) Social Media Platforms Most Frequently Reported to be Used by Street Gang Members**



(U) Source: NAGIA Survey Data.

social media sites like Instagram, Facebook, YouTube, and Twitter to lure unwitting young girls into the gang lifestyle with rap videos and promises of a glamorous life. These girls were then forced into sex trafficking.<sup>66</sup>

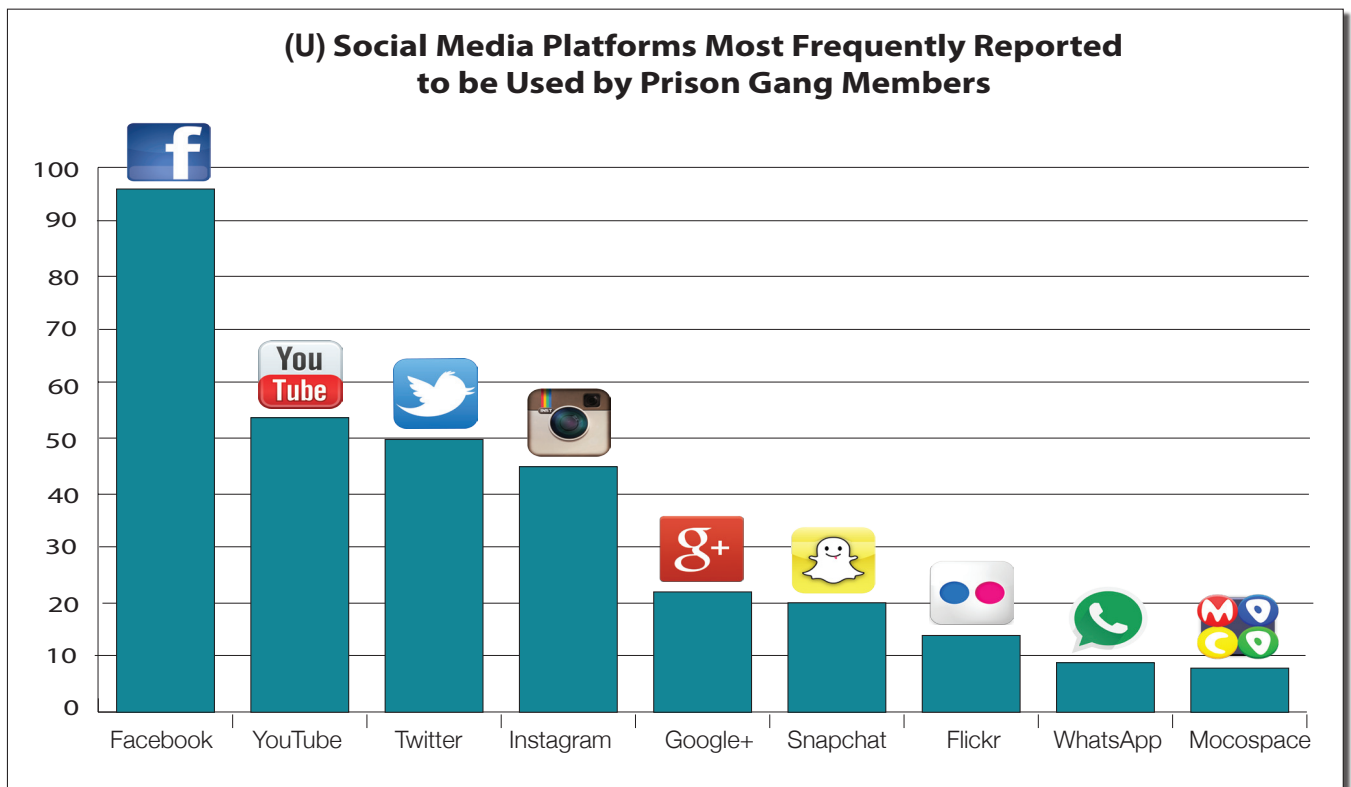
- (U) A member of a neighborhood-based gang in the Bronx, New York, posted rap videos on YouTube espousing violence and the gang lifestyle. In response, he received text messages containing requests to join the gang. For example, he received a text message stating, *"I'm from Queens but I watch all ya videos. Imma trying be down with the WTG Move."* The rapper responded *"you can*

*be WTG under me and b official"* in exchange for \$125.<sup>67</sup>

- (U) The BBE 900 gang in Cleveland, Ohio, invested illicit proceeds to create rap videos that were posted on social media sites and used to recruit new members, build the BBE 900 brand, and raise the intimidation factor.<sup>68</sup>

## (U) COMMUNICATION

(U) Gang members are increasingly moving to messaging platforms, such as Snapchat, kik, and WhatsApp to communicate. These technologies provide instantaneous



(U) Source: NAGIA Survey Data.

communication similar to Short Message Service (SMS) text messaging while providing more anonymity.

- (U) According to open source reporting, suspected MS-13 members in Virginia allegedly contacted a middle school student via kik, telling him to join MS-13 and provide names of other middle school students for recruitment.<sup>69</sup>

(U) Gangs rely on technology to stay connected to their counterparts and to help drive their illicit activities. This is particularly true for prison gangs that seek to obtain cell phones in order to access the outside world. Cell phones and social media platforms enable fast communication and coordination efforts among street gang members; between gang members in prison; and between prison and street members. In all of these instances, communication serves to enhance criminal operations and further gang objectives.

- (U) Approximately 90 percent of prison gang survey respondents indicate inmates in their facilities use at least one social media platform – Facebook, YouTube, Instagram, or Twitter – with Facebook being the most popular.<sup>70</sup>
- (U) According to a 2015 report, the Georgia Department of Corrections has reportedly confiscated 13,500 cell phones since 2012. The report claims that to combat the issue, Georgia Department of Corrections installed equipment to scan visitors for cell phones and other electronics. However, most of these cell phones were smuggled in by prison staff in exchange for cash or sex.<sup>71</sup>



(U) Source: flickr.com

- (U) Between the beginning of 2013 and April 2014, the California Department of Corrections and Rehabilitation discovered 14,960 contraband cell phones in prisons.<sup>72</sup>
- (U) The Mississippi Department of Corrections confiscated 2,257 cell phones across three prisons between the beginning of 2013 and April 2014. The department implemented a variety of preventive measures to reduce the number of cell phones in prisons, such as weekly searches for WiFi Internet signals; installing netting around prison perimeters; and increased searches using Managed Access Systems, Boss Chairs “body cavity detection systems,” K-9 cell phone detector dogs, hand-wand metal detectors, and walk-through metal detection systems. The Mississippi Department of Corrections donated seized cell phones to non-profit groups, such as Cell Phones for Soldiers, crime victims, and domestic violence shelters.<sup>73</sup>



(U) Source: California Department of Corrections and Rehabilitation

(U) Confiscated contraband cell phones.

## (U) TARGETING RIVALS

(U) Traditionally, gangs have demarcated their territory by spray painting their name, signs, and symbols on structures throughout their communities. As social media grows, gangs are using platforms, such as Facebook, Instagram, and YouTube, as “electronic graffiti walls.” Messages and pictures posted on these electronic graffiti walls provide gangs new avenues to mark their territory and communicate messages to rivals while spreading the gang’s name.







- (U) According to March 2015 open source reporting, a photo taken inside of a Georgia correctional facility showing a badly beaten inmate with a leash around his neck was

uploaded to Facebook. The caption on the photo read, “When you disrespect the Nation, it brings nothing but pain and suffering.”<sup>74</sup>

- (U) According to open source reporting, as of February 2015, the Nike and Jordan gangs in Omaha, Nebraska, used YouTube to create and post rap videos that disrespected each other. Depicted in the videos, gang members used gang signs, counted drug money, and brandished guns. At the end of some videos, they encouraged viewers to add them as friends on Facebook and followers on Twitter.<sup>75</sup>



## (U) Examples of Cell Phone Applications Exploited by Gang Members

	(U) Kik Instant Messenger is a free interactive communication application that allows users to share text messages, photographs, or videos. The application is similar to a texting feature on a phone; however, it only communicates over the Internet and uses usernames instead of phone numbers.
	(U) Mobile Patrol is a free public safety application that connects a mobile telephone user to important safety information, news, and critical alerts. Users can receive traffic alerts, share crime tips, and access information about missing children and sex offenders.
	(U) Rounds is a free social platform application that allows users to simultaneously video chat with up to 12 friends. Users can interactively watch YouTube videos, play interactive games, draw on whiteboards, and share photos.
	(U) Glide is a free private messaging service where users can send video messages to several individuals simultaneously and the recipients can view the message instantly or at a later time. The video is transmitted to the end user the moment the video starts recording and can be streamed in almost real-time.
	(U) OkHello is a free video chat service that allows users to create virtual rooms with friends. Users can share various types of media including photos and videos.
	(U) Snapchat is a free media sharing application that allows users to take a picture or video, add a text caption, and send it to a friend. The picture or video will automatically be deleted from the server once viewed, but the recipient can take a screen shot and save the media to their phone.

(U) Source: Google Play Store.

- (U) In late 2013, a senior member of the New Jersey Grape Street Crips used a social media account to identify a suspected cooperator in an Essex County, New Jersey, murder investigation. Several days after that social media post, members of the Grape Street Crips repeatedly shot and nearly killed the individual.<sup>76</sup>

they enable ambiguity; transmit via the Internet; leave no record of transmission on the device; and allow users to save videos in cloud data storage. These applications are available to download for free on both the Apple App Store and the Android Google Play Store.

## **(U) CRIMINAL ACTIVITY**

(U) Advancements in technology provide gangs new opportunities to target victims and carry out criminal activity.

- (U) The Georgia Department of Corrections reported that prison gangs are using cell phones as a new extortion tool and to plan crimes outside of prison, as well as to incite violence and extort family members of incarcerated rivals. Gang members allegedly text pictures of tortured inmates to family members and demand money in exchange for mercy.<sup>77</sup>

## **(U) THWART LAW ENFORCEMENT**

(U) Gangs exploit new technologies largely for the anonymity that messaging applications afford and for the pseudo-anonymity that comes with the use of aliases on social media. However, they also rely on these technologies to thwart law enforcement efforts.

- (U) Gang members are using advanced video messaging applications to communicate and possibly further their illegal activity. These video messaging applications are problematic and difficult for law enforcement to monitor because

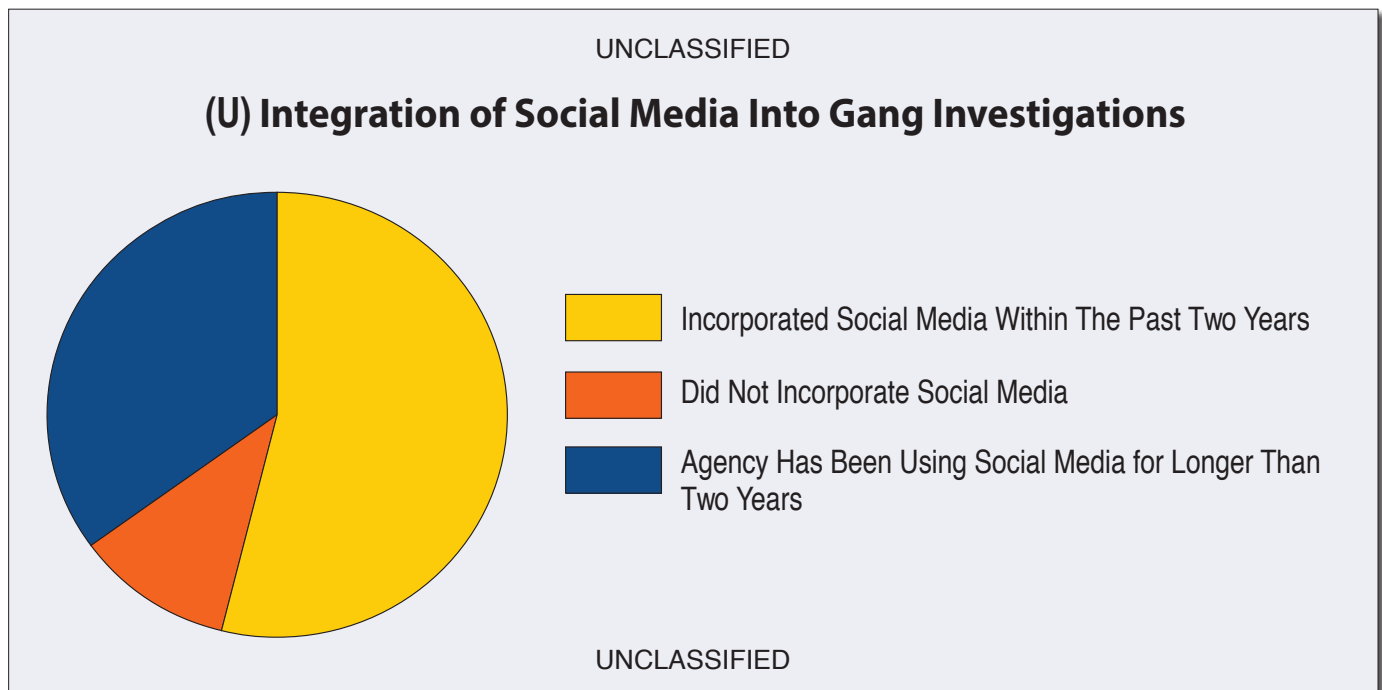
## (U) LAW ENFORCEMENT ACTIONS AND RESOURCES

(U) Investigative entities and intelligence units have long been vital in mitigating gang activity. Agencies at every level of law enforcement continue to join forces to combat gang violence, and remain committed to combating gangs, as gang activity continues to threaten communities nationwide.

(U) Technology is increasingly playing a pivotal role in police investigations and anti-gang efforts. Most police agencies today maintain gang databases whereby gang intelligence and gang-related crime statistics can be shared with law enforcement partners in other jurisdictions. Also, as gang members continue to exploit the Internet for criminal purposes, a growing number of law enforcement agencies are incorporating social media into their gang

investigations, specifically to identify gang members and monitor their criminal activity.

- (U) Approximately 65 percent of street gang survey respondents report that their agencies maintain gang databases, 45 percent of which are available to law enforcement partners.
- (U) Approximately 54 percent of agencies surveyed report that over the past two years, their organizations have integrated social media into their gang investigations. An additional 35 percent of respondents claim they have used social media for more than two years.



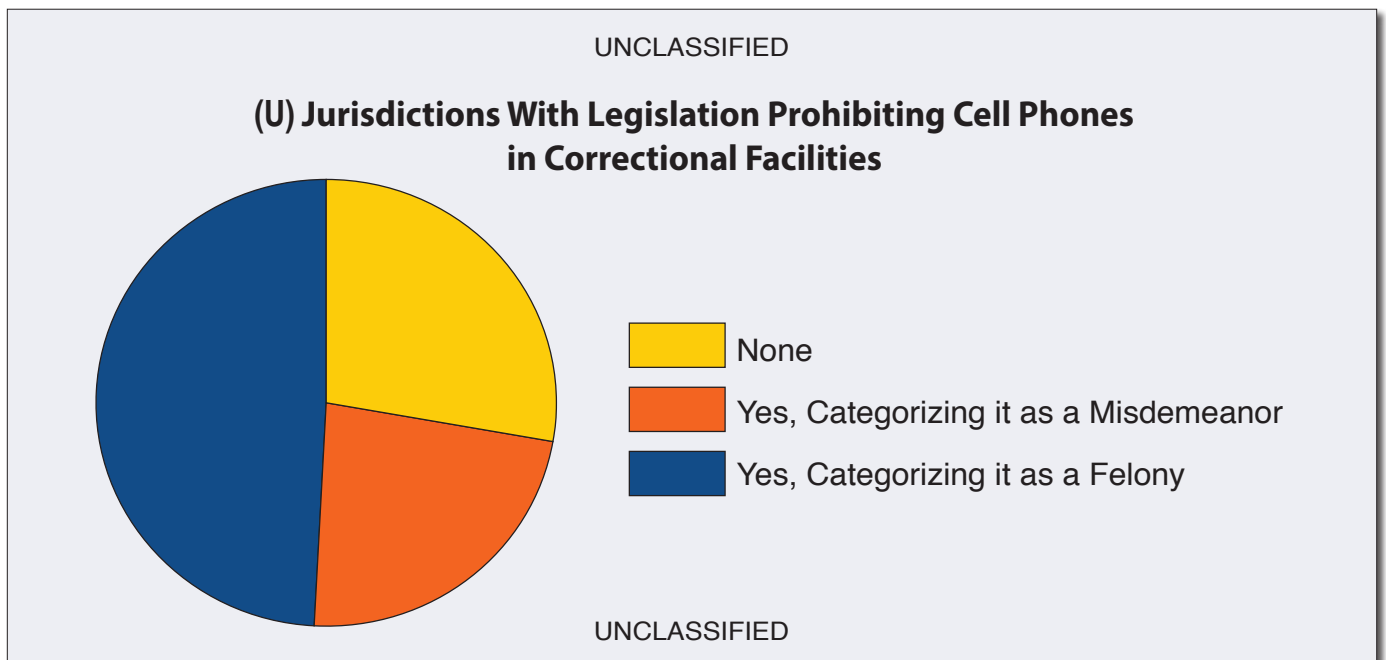
(U) Source: NAGIA Survey Data.

(U) Due to efforts in gang suppression, intervention, and incarceration, violent and influential gang members have been removed from communities and incarcerated within state and federal correctional facilities, where many continue to direct criminal gang operations. While in prison, gang members form associations with other gang members and criminal enterprises in order to exploit opportunities for profit, expand their control, and establish communication networks which they use to conduct gang business. Consequently, investigators must keep pace with incarcerated gang members' growing sophistication and expanding criminal networks in order to effectively mitigate the threat; such efforts must include inter and intra-agency information sharing and policy updates, specifically those pertaining to prison security.

- (U) Over 90 percent of correctional agencies report that their agencies maintain gang databases, nearly 46 percent of which are accessible to law enforcement partners.

(U) The introduction of such contraband as drugs and cell phones remains a central issue in correctional institutions. Smuggling activities compromise the safety of both inmates and staff and can negatively impact communities in circumstances when gang members reach out to their street counterparts and direct criminal activity. As such, many facilities have used legislation or cell phone jamming technology to help prevent the introduction of cell phones.

- (U) Approximately 72 percent of survey respondents report having legislation in place designed to prohibit the introduction



(U) Source: NAGIA Survey Data.

of cell phones into a correctional facility. Most of the jurisdictions categorize the offense as a felony.

(U) The FBI has employed strategies to combat violent gangs on a national level since 1993. Currently, the FBI operates 164 FBI Violent Gang Safe Streets Task Forces across the United States. The FBI also maintains a Violent Gang Program that utilizes collection capabilities through multiple joint initiatives, such as the Correctional Intelligence Task Force and the Safe Streets Violent Crime Initiative. Additionally, the NGIC promotes multi-agency collaboration efforts to disrupt prison gang activity through information-sharing initiatives, such as the Joint Intelligence Sharing Initiative (JISI). JISI is a cooperative effort between the NGIC and BOP to develop and share intelligence that aids in the identification of criminal elements for prosecution. The NGIC also works closely with the Safe Streets and Gang Unit to provide direct case support to gang investigators and to assist FBI Safe Streets Gang Task Forces offices across the country.

### **(U) Correctional Intelligence Task Force**

(U) The Correctional Intelligence Task Force (CITF) is a joint task force comprised of the Federal Bureau of Investigation (FBI), California Department of Corrections and Rehabilitation (CDCR), and Federal Bureau of Prisons (BOP) that provides direct access to intelligence and information within CDCR and BOP for efficient collection, analysis, and dissemination of prison derived criminal activity. The mission is to systematically integrate intelligence and operations to initiate and enhance law enforcement suppression efforts through the identification, exploitation, and dissemination of cross-programmatic intelligence derived from correctional facilities.

## (U) OUTLOOK

(U) Gangs of all types will persist in their objectives to generate illicit funds and control territory. And wherever they may fall short of their goals, gangs on a whole have the resources and motivations to find alternative avenues to meet their pursuits. Thus, gangs will continue to proliferate, evolve in their criminal abilities, and develop new tradecrafts to ensure their survival. Gangs will search relentlessly to increase their involvement in such lucrative crimes as prostitution and sex trafficking and will continue to explore opportunities to secure more territory.

(U) Gang leaders rely primarily on intimidation, assault, homicide, and other violent measures to dominate their subordinates and maintain territorial control. Most gangs employ aggressive tactics in order to protect their interests, as brute force is an effective means to their end. For that reason, gangs will remain driven by violence and will continue to compromise the safety of the communities they inhabit.

(U) Due to the violent and territorial nature of gangs, as well as their deep-rooted involvement in drug crimes, gangs will naturally continue to foster relationships with MTCOs and, wherever possible, will seek to heighten their role in drug trafficking. MTCO partnerships are integral to gang objectives as MTCOs supply gangs with access to corridors along the US/Mexico border and extend advantage in the illicit drug industry, all of which translates to money and power, the two primary objectives of

gangs. Gang involvement in drug trafficking activities would diminish in the unlikely event that drug routes between the US and Mexico shut down, thereby restricting accessibility into the United States.

(U) In order to increase profit and widen their reach, gangs will strive to strengthen recruitment efforts; develop new methods to target rivals; and devise different techniques to thwart gang investigations. Formulating measures to target rivals and hinder law enforcement efforts could potentially lead to rival gangs joining forces; feasibly, collaborations may rise between gangs and other criminal organizations. Recruitment endeavors will inevitably compel gangs to keep spreading their ideology through such channels as the Internet.

(U) Street gangs will advance on pace with technology as members continue to exploit mechanisms that afford anonymity and instant communication, such as *SGP Technologies' Blackphone*<sup>9</sup> and *Apple* and *Google* cell phone systems that function to encrypt data. As social media sites, cell phone applications, and various other technological platforms progress, gangs will employ these methods to commit crimes without detection.<sup>78,79</sup> Gang utilization of evolving technology presents unique challenges for law enforcement.

(U) The long-standing culture of prison gangs will endure as incarcerated leaders continue to direct street crimes. The cycle between

<sup>9</sup> (U) The Blackphone is a smart phone developed by SGP Technologies that provides encryption, as well as other security privacy features for phone calls, e-mails, texts, and Internet browsing by accessing the Internet through a Virtual Private Network (VPN).



prison and street practices will persist in that street gangs will keep financially supporting prison leaders in exchange for protection and education upon incarceration. As part of this succession, gang connections to drug suppliers and other criminal associations will continue to circulate from prison onto the streets and vice versa. Gang members – in prison and on the street – are criminals of opportunity and they will pursue every avenue to gain advantage in their illicit activities. Thus, street and prison gangs will keep working together to improve smuggling techniques, enhance communication efforts, and in any other capacity that will better enable them to meet their objectives. Law enforcement can expect to see a continuation in the relationship between street and prison gangs.

(U) Extremist behaviors and radicalization of incarcerated gang members will likely continue – and may even escalate – which could potentially increase violence in prison. The extreme rhetoric behind radicalization could spread to the streets and lead to a rise in animosity toward law enforcement and other government officials.

(U) Due to their unwavering motivation and ongoing access to various resources, gangs are not only postured to sustain their objectives, but hold tremendous potential to continue evolving and impacting streets and prisons across the nation. Gangs essentially pose a significant threat to law enforcement and to the communities in which they operate, and they show no signs of diminishing.

(U) Predictive analysis is not a viable mitigation strategy due to the erratic and volatile nature of gangs. In order to successfully mitigate the threat, law enforcement entities may require surges in investigative activity and intelligence collection efforts. Flexibility and innovations in strategy are therefore critical; no single initiative, investigative technique, statute, or preventive measure will necessarily be the most effective. For this reason, law enforcement must combine resources and techniques.

(U) Success in mitigation further requires an unprecedented level of collaboration and partnerships between all levels of law enforcement and community associates. Extensive liaising between street and corrections officials is essential to expand investigations, as is building cooperating witnesses; recruiting potential witnesses; and collecting intelligence to address the growing threat gangs pose at regional and national levels.

## (U) ACKNOWLEDGEMENTS

*(U) The NGIC and NAGIA thank the below federal, state, local, and tribal law enforcement partners for completing the 2015 National Gang Report Survey.*

### **Federal**

Bureau of Alcohol, Tobacco, Firearms, and Explosives  
 Department of Homeland Security, Office for Bombing  
 Prevention  
 Drug Enforcement Administration  
 El Paso Intelligence Center  
 Federal Bureau of Investigation  
 Federal Bureau of Prisons  
 Homeland Security Investigations  
 US Border Patrol  
 US Customs and Border Protection  
 US Department of State  
 US Marshals Service  
 US Probation Office

### **Alabama**

Alabama Department of Corrections  
 Jefferson County Sheriff's Office  
 Northport Police Department

### **Arizona**

Arizona Department of Juvenile Corrections  
 Arizona Department of Public Safety  
 Arizona Gang and Immigration Intelligence Team  
 Enforcement Mission Gang Task Force  
 Arizona State Prison Complex Kingman  
 Central Arizona Detention Center - Corrections Corporation  
 of America  
 Chandler Police Department  
 Cochise County Sheriff's Office  
 Florence Correctional Center - Corrections Corporation of  
 America  
 Glendale Police Department  
 Juvenile Superior Court Durango  
 Lake Havasu City Police Department  
 Maricopa County Sheriff's Office  
 Mesa Police Department  
 Phoenix Police Department  
 Pima County Sheriff's Department - Corrections Bureau  
 Prescott Valley Police Department  
 Scottsdale Police Department  
 Tempe Police Department  
 Tucson Police Department

Yavapai County Juvenile Detention Center  
 Yuma Police Department

### **Arkansas**

Arkansas Department of Correction  
 Benton County Sheriff's Office  
 Ozark Police Department  
 Russellville Police Department  
 Washington County Sheriff's Office

### **California**

Alameda County Sheriff's Office  
 Alameda Police Department  
 Anaheim Police Department  
 Bakersfield Police Department  
 Berkeley Police Department  
 Butte County Probation Department  
 California Department of Corrections and Rehabilitation  
 Chico Police Department  
 City of South Gate  
 Concord Police Department  
 Eureka Police Department  
 Fresno Sheriff's Office  
 Fullerton Police Department  
 Imperial County Narcotics Task Force Gang Unit  
 Lake County Sheriff's Office  
 Long Beach Police Department  
 Los Angeles County District Attorney  
 Los Angeles County Probation  
 Los Angeles County Sheriff's Department  
 Los Angeles Police Department  
 Monterey Police Department  
 Morgan Hill Police Department  
 Napa County Probation  
 National City Police Department  
 Orange County Probation Department  
 Oxnard Police Department  
 Petaluma Police Department  
 Riverside County Sheriff's Department  
 Rohnert Park Department of Public Safety  
 Sacramento Sheriff's Department  
 San Benito County Probation Department  
 San Bernardino County Sheriff's Department

San Diego County Sheriff's Department  
 San Leandro Police Department  
 San Luis Obispo County Sheriff's Office Gang Task Force  
 Santa Ana Police Department  
 Santa Cruz County Anti-Crime Team  
 Santa Maria Police Department  
 Shasta County Probation Department  
 Sonoma County Sheriff's Office  
 South Lake Tahoe Police Department  
 Sutter County Sheriff's Office  
 Vallejo Police Department  
 West Sacramento Police Department  
 Whittier Police Department

#### **Colorado**

Arvada Police Department  
 Aurora Police Department  
 Colorado Department of Corrections  
 Colorado Department of Corrections - Division of Adult Parole  
 Denver Police Department  
 Fort Collins Police Services  
 Greeley Police Department  
 Lakewood Police Department  
 Longmont Police Department  
 Mesa County Sheriff's Office

#### **Connecticut**

Connecticut Department of Corrections  
 Connecticut State Police  
 Coventry Police

#### **Delaware**

Delaware Department of Correction  
 New Castle County Police Department

#### **District of Columbia**

Metropolitan Police Department

#### **Florida**

Bradenton Police Department  
 Brevard County Sheriff's Office  
 Florida Department of Corrections  
 Geo Group, Inc Corrections  
 Graceville Correctional Facility - GEO  
 Haines City Police Department  
 Hillsborough County Sheriff's Office  
 Jacksonville Beach Police Department  
 Lakeland Police Department  
 Leon County Sheriff's Office

Miramar Police Department  
 Okeechobee County Sheriff's Office  
 Sarasota County Sheriff's Office  
 Volusia County Sheriff's Office

#### **Georgia**

Atlanta Police Department  
 Chamblee Police Department  
 Coweta County Sheriff's Office  
 Dekalb Schools Department of Public Safety  
 Department of Juvenile Justice  
 Douglasville Police Department  
 Dublin Police Department  
 Georgia Department of Corrections  
 Henry County Police Department  
 Jones County Sheriff's Office  
 Monroe Police Department  
 Office of the District Attorney, Middle Judicial Circuit  
 Rincon Police Department  
 Rockdale County Sheriff's Office  
 Social Circle Police Department  
 Spalding County Sheriff's Office

#### **Hawaii**

Hawaii Department of Public Safety

#### **Idaho**

Ada County Sheriff's Office  
 Idaho Department of Correction  
 Pocatello Police Department

#### **Illinois**

Champaign County State's Attorney  
 Chicago Police Department  
 Crawford County Sheriff's Office  
 Granite City Police Department  
 Jo Daviess County Sheriff's Office  
 Metropolitan Correctional Center, Chicago  
 Schaumburg Police Department

#### **Indiana**

Anderson Police Department  
 Boone County Sheriff's Office  
 Branchville Correctional Facility  
 Charlestown Police Department  
 Evansville Police Department  
 Indiana Department of Correction – Pendleton Correctional Facility  
 Indiana State Police  
 Lake County High Intensity Drug Trafficking Area

Porter County Sheriff's Department  
South Bend Police Department

#### **Iowa**

Davenport Police Department  
Dubuque County Sheriff's Office  
Dubuque Police Department  
Iowa Department of Corrections  
Waterloo Police Department

#### **Kansas**

Wichita Police Department

#### **Kentucky**

Kentucky State Police  
Marshall County Sheriff's Office  
McCracken County Regional Jail

#### **Louisiana**

Calcasieu Parish Sheriff's Office  
Louisiana Department of Corrections  
Mandeville Police Department  
Office of Juvenile Justice

#### **Maine**

Maine Department of Corrections  
Maine Information and Analysis Center

#### **Maryland**

Berlin Police Department  
Charles County Sheriff's Office  
City of Takoma Park Police Department  
Department of Public Safety and Correctional Services  
Eastern Correctional Institution  
Frederick County Detention Center  
Frederick County Sheriff's Office  
Frederick Police Department  
Harford County Sheriff's Office  
Maryland Coordination and Analysis Center  
Maryland State Police  
Washington County Narcotics Task Force  
Wicomico County Department of Corrections

#### **Massachusetts**

Bristol County Sheriff's Office  
Chicopee Police Department  
Hampden County Sheriff's Department  
Massachusetts Department of Correction  
Springfield Massachusetts Police Department  
Worcester County Sheriff's Office  
Worcester Police Department

#### **Michigan**

Holland Department of Public Safety  
Leelanau County Sheriff's Office  
Michigan Department of Corrections - Ann Arbor Parole  
Michigan State Police  
Midland County Sheriff's Office  
Troy Police Department  
Unadilla Township Police Department

#### **Minnesota**

Coon Rapids Police Department  
Minnesota Department of Corrections  
St. Paul Police Department

#### **Mississippi**

Biloxi Police Department  
Columbia Police Department  
D'Iberville Police Department  
Gulfport Police Department  
Marion County Sheriff's Office  
Mississippi Alcoholic Beverage Control  
Mississippi Department of Corrections  
Shannon Police Department

#### **Missouri**

Clay County Missouri Sheriff's Office  
Columbia Police Department  
Grain Valley Police Department  
Kansas City Police Department  
Missouri Board of Probation and Parole  
Springfield Missouri Police Department  
St. Louis County Police Department  
St. Louis Metropolitan Police Department

#### **Montana**

Laurel Police Department  
Montana Department of Corrections  
Montana Department of Justice - Division of Criminal  
Investigation

#### **Nebraska**

Nebraska Department of Corrections  
Omaha Police Department  
Washoe County Sheriff's Office

#### **Nevada**

Las Vegas Metropolitan Police Department

#### **New Hampshire**

Belknap County Sheriff's Department  
Keene Police Department

Merrimack County Department of Correction  
 Nashua Police Department  
 New Hampshire Department of Corrections

#### **New Jersey**

Bergen County Sheriff's Office  
 Burlington County Prosecutor's Office  
 Fairview Police Department  
 Kenilworth Police Department  
 Lawrence Township Police Department  
 Monmouth County Sheriff's Office - Corrections Division  
 Morris County Prosecutor's Office  
 Morris County Sheriff's Office  
 Old Bridge Township  
 Salem City Police Department  
 Salem County Sheriff's Department  
 Vineland Police Department  
 Voorhees Township Police Department  
 Winslow Township Police Department

#### **New Mexico**

Albuquerque Police Department  
 Farmington Police Department  
 Las Cruces Police Department  
 New Mexico Corrections Department  
 New Mexico High-Intensity Drug Trafficking Area  
 Investigative Support Center

#### **New York**

Depew Police Department  
 Dutchess County Sheriff's Office  
 Monroe County Sheriff's Office  
 New York State Police  
 Newark Police Department  
 Oneida County Correctional Facility  
 Orange County Sheriff's Office  
 Rockville Centre Police Department

#### **North Carolina**

Alamance City County Gang Task Force  
 Cary Police Department  
 Charlotte Mecklenburg Police Department  
 Cumberland County Sheriff's Office  
 Duplin County Sheriff's Office  
 Forsyth County Sheriff's Office, Detention Division  
 Hickory Police Department  
 High Point Police Department  
 Kill Devil Hills Police Department  
 North Carolina Central University Police Department

North Carolina Department of Public Safety  
 North Carolina State Highway Patrol  
 Randleman Police Department  
 Shelby Police Department  
 Wilson Police Department  
 Winston-Salem Police Department

#### **North Dakota**

Fargo Police Department  
 North Dakota State and Local Intelligence Center

#### **Ohio**

Canton Police Department  
 Cincinnati Police Department  
 Cleveland Police Department  
 Dayton Police Department  
 Golf Manor Police Department  
 Great Parks of Hamilton County Rangers  
 Ottawa County Sheriff's Office  
 Wintersville Police Department

#### **Oklahoma**

Lawton Police Department  
 Oklahoma City Police Department  
 Oklahoma Department of Corrections

#### **Oregon**

City of Gresham  
 Corvallis Police Department  
 Forest Grove Police Department  
 Oregon Department of Corrections  
 Portland Police Bureau

#### **Pennsylvania**

Abington Township Police Department  
 Allentown Police Department  
 Berks County Jail System  
 Bern Township Police Department  
 Bethlehem City  
 Bristol Township  
 Brookville Police Department  
 Chester Township Police  
 City of Coatesville  
 Columbia Borough Police Department  
 Coopersburg Police Department  
 Cornwall Borough Police Department  
 Cumberland County District Attorney Drug Task Force  
 Cumberland County Prison  
 East Norriton Township Police Department  
 East Pennsboro Township

Ephrata Police Department  
 Hampden Township Police Department  
 Kennett Square Police Department  
 Kiskiminetas Township Police Department  
 Lancaster City Bureau of Police  
 Lancaster County Adult Probation and Parole  
 Lancaster County District Attorney  
 Lehigh County Gang Task Force  
 Lehighon Borough Police  
 Lock Haven City Police Department  
 Lower Allen Township Police Department  
 Lower Swatara Township Police Department  
 Luzerne County Adult Probation and Parole  
 Luzerne County Correctional Facility  
 Mahoning Township Police Department  
 Mechanicsburg Police Department  
 Mercer County Juvenile Probation Department  
 Montgomery County Adult Probation and Parole  
 Montgomery County Detective Bureau  
 New Holland Police Department  
 Norristown Police Department  
 Northampton County Department of Corrections  
 Northampton County Prison  
 Northumberland Borough Police Department  
 Northwest Lancaster County Regional Police Department  
 Parkesburg Borough Police Department  
 Patterson Township Police Department  
 Pennsylvania Board of Probation and Parole  
 Pennsylvania Department of Corrections  
 Pennsylvania State Police  
 Philadelphia Police Department  
 Pittsburgh Bureau of Police  
 Prince Gallitzin State Park  
 Quakertown Borough  
 Shenandoah Police Department  
 Sinking Spring Police Department  
 Solebury Township Police Department  
 Sullivan County Probation and Parole Department  
 Swarthmore Borough Police Department  
 Upper Allen Township Police Department  
 Upper Moreland Township Police Department  
 West Caln Township Police Department  
 West Grove Borough Police Department  
 West Pottsgrove Township Police Department  
 West Reading Police Department  
 West Sadsbury Township Police Department  
 West York Borough Police Department

Wilkes-Barre City Police Department

#### **Rhode Island**

Rhode Island State Police

#### **South Carolina**

Conway Police Department

Darlington County Sheriff's Office

Perry Police Department

Rock Hill Police Department

South Carolina Department of Corrections

South Carolina Department of Probation, Parole and Pardon  
Services

Spartanburg County Sheriff's Office

West Columbia Police Department

#### **South Dakota**

South Dakota Division of Criminal Investigation

#### **Tennessee**

Bristol Tennessee Police Department

Haywood County Sheriff's Department

Knox County Sheriff's Office

Knoxville Police Department

Tennessee Bureau of Investigation

Tennessee Department of Correction

#### **Texas**

34th Judicial District Attorney's Office

Arlington Police Department

Baytown Police Department

Carrollton Police Department

Coastal Bend Detention Center

Corpus Christi Police Department

Dallas Independent School District Police Department

Dallas Police Department

Directorate of Emergency Services, Fort Bliss Texas

El Paso County Sheriff's Office

El Paso Police Department

Fort Worth Police Department

Guadalupe County Sheriff's Office

Hood County Sheriff's Office

Houston Police Department

Irving Police Department

Longview Police Department

Mansfield Police Department

Nacogdoches County Sheriff Department

Nacogdoches Police Department

San Marcos Police Department

Texas Alcoholic Beverage Commission



Texas Department of Criminal Justice - Office of the  
Inspector General  
Texas Department of Public Safety

#### **Utah**

Utah Department of Public Safety

#### **Vermont**

Barre Probation and Parole  
Bennington Probation and Parole  
Brattleboro Probation and Parole  
Newport Probation and Parole  
Northeast Correctional Complex  
Northern State Correctional Facility  
Northwest State Correctional Facility  
Rutland Probation and Parole  
Southeast State Correctional Facility  
Springfield Probation and Parole  
St. Johnsbury Probation and Parole  
Vermont Department of Corrections

#### **Virginia**

Abingdon Police Department  
Chesapeake Police Department  
City of Alexandria Police  
Danville Police Department  
Fairfax County Police Department  
Halifax/South Boston Narcotics and Gang Task Force  
Hampton Police Division  
Harrisonburg Police Department  
Henrico County Police Division  
Loudoun County Sheriff's Office  
Newport News Police Department  
Portsmouth Police Department  
Prince William County Police Department  
Richmond Police Department  
Spotsylvania County Sheriff's Office  
Virginia Department of Corrections  
Virginia Department of Juvenile Justice  
Virginia State Police  
York Poquoson Sheriff's Office

#### **Washington**

City of Burlington  
Everett Police Department  
Grant County Sheriff's Office  
Lynnwood Police Department  
Northwest Detention Center--Geo Group  
Puyallup Police Department  
Seattle Police Department

Spokane County Sheriff's Office  
Spokane Regional Safe Streets Task Force  
Tacoma Police Department  
Walla Walla Police Department  
Washington State Department of Corrections

#### **West Virginia**

Martinsburg Police Department  
Philippi Police Department  
West Virginia Fugitive Task Force

#### **Wisconsin**

Blair Police Department  
City of Madison Police Department  
Grand Chute Police Department  
Green Bay Police Department  
Janesville Police Department  
La Crosse Police Department  
Newburg Police Department  
Phillips Police Department  
Seymour Police Department  
Sheboygan County Sheriff's Office  
Sun Prairie Police Department  
Village of Pepin Police Department  
Wisconsin Department of Corrections

#### **Wyoming**

Cheyenne Police Department  
Torrington Police Department  
Weston County Detention Center  
Weston County Sheriff's Office  
Wyoming Department of Corrections  
Wyoming Division of Criminal Investigation  
Wyoming Highway Patrol

*(U) The NGIC and NAGIA thank the below Safe Streets and Gang Task Forces for completing the 2014 FBI Safe Streets and Gang Task Force Survey.*

#### **North Central Region**

Joint Task Force on Gangs (Chicago)  
Canton Resident Agency Safe Streets Task Force  
Detroit Violent Gang Task Force  
Eastern Illinois Safe Streets Task Force  
Genesee County Safe Streets Task Force  
Greater Omaha Safe Streets Task Force  
Greater Racine Gang Task Force  
Kansas City Metropolitan Gang Task Force  
Kentucky Safe Streets Task Force  
Peoria Area Safe Streets Task Force  
Quad Cities Federal Gang Task Force  
Southern Ohio Safe Streets Task Force  
Twin Cities Safe Streets Violent Gang Task Force  
Violent Gang Safe Streets Task Force (St. Louis)  
Wabash Valley Safe Streets Task Force

#### **Northeast Region**

Capital District Safe Streets Gang Task Force  
Bridgeport Safe Streets Gang Violent Crime Task Force  
Eastern Panhandle and Potomac Highlands Safe Streets Task Force  
Greater Pittsburgh Safe Streets Task Force  
Hudson Valley Safe Streets Task Force  
New Hampshire Safe Streets Gang Task Force  
New Haven Safe Streets Task Force  
New York City Metro Gang Task Force  
Newark Violent Crime Criminal Enterprise Task Force  
North Shore Gang Task Force  
Northern Connecticut Violent Crime Gang Task Force  
Rhode Island Violent Crime Gang Task Force  
Safe Streets Task Force (Buffalo)  
South Jersey Violent Incident/Gang Task Force  
Southeastern Massachusetts Safe Streets Gang Task Force  
Southern Maine Gang Safe Streets Task Force  
Southwest Pennsylvania Safe Streets Task Force  
Violent Crimes Incident Task Force  
Westchester County Safe Streets Task Force  
Western Massachusetts Safe Streets Gang Task Force

#### **South Central Region**

Austin Safe Streets Task Force  
Capitol Area Task Force

Central Alabama Safe Streets Task Force  
Corpus Christi Violent Crimes Task Force  
El Paso Safe Streets and Prison Gang Task Force  
Houston Coastal Safe Streets Task Force  
Jackson Safe Streets Task Force  
Metrock Safe Streets Task Force  
Mobile Safe Streets Task Force  
Multi-Agency Gang Task Force  
Nashville Violent Crime Gang Task Force  
North Alabama Safe Streets Task Force  
Northwest Louisiana Violent Crime Task Force  
Oklahoma City Metropolitan Gang Task Force  
Rio Grande Valley Violent Crime Task Force  
San Antonio Safe Streets Task Force  
South Central Louisiana Gang Task Force  
Southeast Mississippi Safe Streets Task Force  
SSCH Chattanooga Safe Streets Task Force  
Violent Crimes, Major Offenders, & Gang Task Force (Dallas)  
West Texas Area Major Offenders Task Force

#### **Southeast Region**

Atlanta Criminal Enterprise Task Force  
Charlotte Safe Streets Task Force  
Columbia Violent Gang Task Force  
Conasauga Safe Streets Task Force  
Criminal Enterprise Investigative Task Force,  
Jacksonville Division  
Cross Border Task Force - Safe Streets (Prince George's  
County, Maryland)  
Delaware Violent Crime Safe Streets Task Force  
Fajardo Regional Enforcement Team  
FBI/MPD Safe Street Task Force  
Metro Orlando Safe Street Gang Task Force  
NW Georgia Criminal Enterprise Task Force  
Pee Dee Gang and Violent Crime Task Force  
Philadelphia Violent Gang Task Force  
Piedmont Triad Safe Streets Task Force  
Raleigh-Durham Safe Streets Task Force  
Richmond Area Violent Enterprise  
San Juan Safe Streets Task Force  
South Florida Street Gangs and Criminal Organization  
Task Force

Tampa Bay Safe Streets Gang Task Force  
 Tidewater Violent Crimes Task Force  
 Wilmington Safe Streets Task Force

### **West Region**

Albuquerque Safe Streets HIDTA Gang Task Force  
 Big Sky Safe Streets Task Force  
 Central Coast Safe Streets Task Force  
 Denver Metro Gang Safe Streets Task Force  
 East County Regional Gang Task Force  
 Hawaii Safe Streets Task Force  
 Las Vegas Safe Streets Gang Task Force  
 Los Angeles Metropolitan Task Force on Violent Gangs  
 North Bay Regional Gang Task Force  
 North Central Coast Gang Task Force  
 North County Regional Gang Task Force  
 Northern Utah Criminal Apprehension Team  
 Riverside Resident Agency Gang Impact Team  
 Sacramento Valley Gang Suppression Team  
 Safe Streets Task Force (Anchorage)  
 Safe Streets Task Force East Bay  
 Santa Clara County Violent Gang Task Force  
 Seattle Safe Streets Task Force  
 South Los Angeles County Violent Crime Task Force  
 South Sound Gang Task Force  
 Southern Colorado Violent Gang Safe Streets Task Force  
 Southern New Mexico Safe Streets Violent Gang Task Force  
 Southwest Arizona Safe Streets Task Force  
 Stockton Violent Crime Gang Task Force  
 Violent Crimes Task Force - Gang Group (San Diego)  
 Violent Gang Safe Streets Task Force (Portland)  
 Violent Street Gang Task Force (Phoenix)

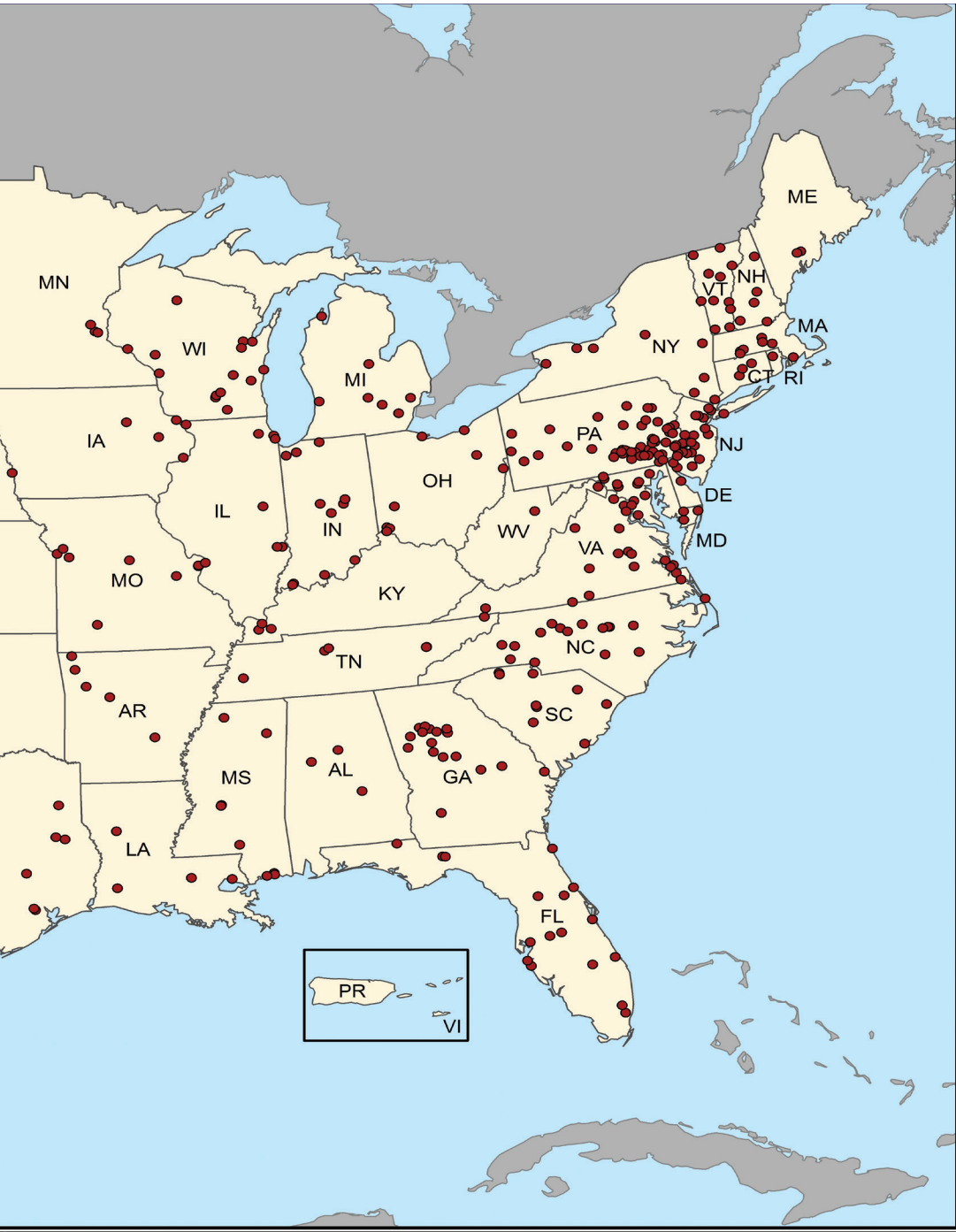
## (U) APPENDIX A

(U) Map of NAGIA's 2015 National



\* Respondents mapped using each unique address provided.

## Gang Report Survey Respondents



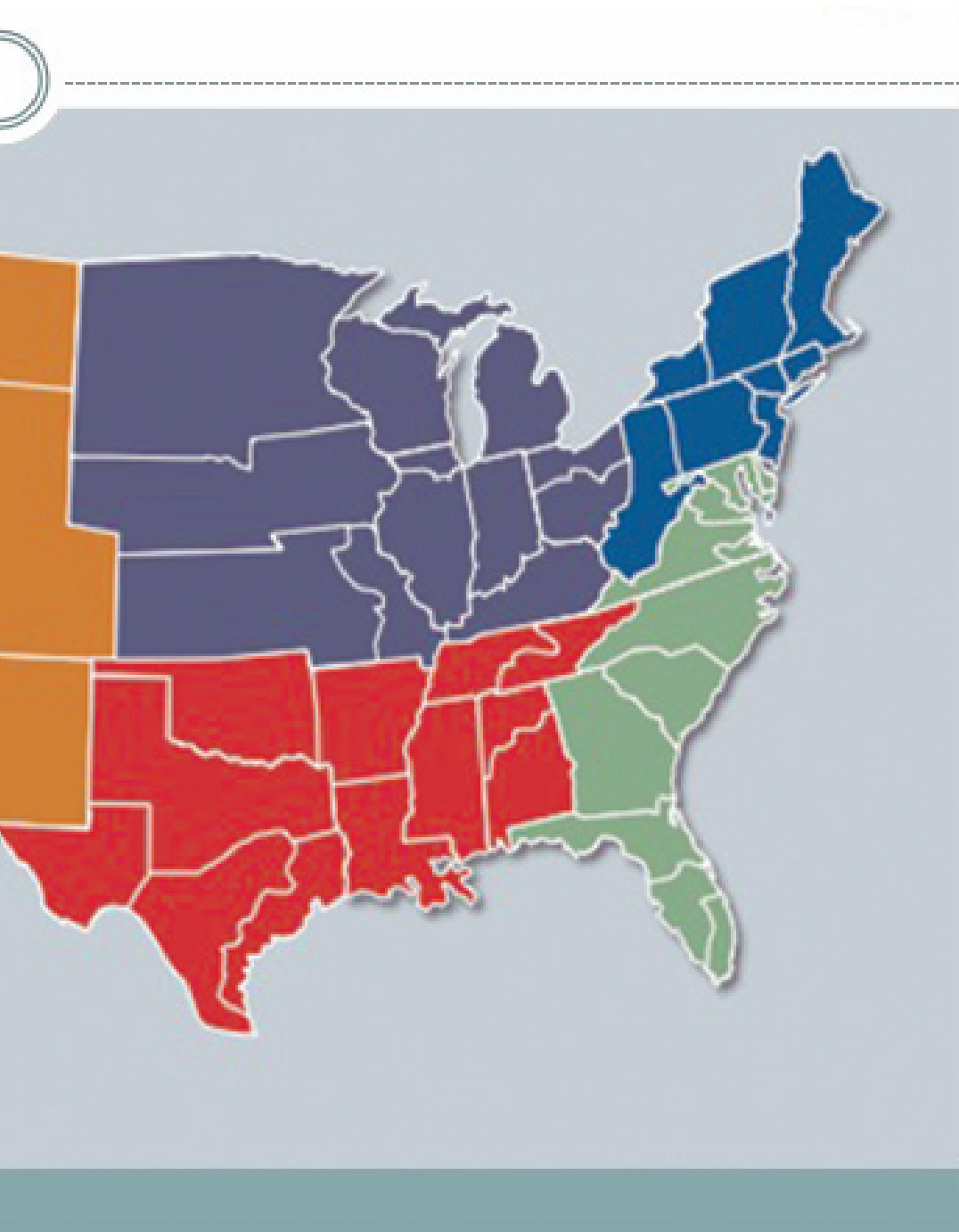
## (U) APPENDIX B

### (U) Map of Safe Streets and





## Gang Task Force Regions



## (U) ENDNOTES

- <sup>1</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Street Gangs Survey, question 12.
- <sup>2</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Street Gangs Survey, question 12.
- <sup>3</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Street Gangs Survey, question 11.
- <sup>4</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Street Gangs Survey, question 14.
- <sup>5</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Street Gangs Survey, question 15.
- <sup>6</sup> (U) Federal Bureau of Investigation; 2014 FBI Safe Streets and Gang Task Force Survey.
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- <sup>11</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Street Gangs Survey, question 22.
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- <sup>20</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 11.
- <sup>21</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 11.
- <sup>22</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 11.
- <sup>23</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 18.
- <sup>24</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 18.
- <sup>25</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 18.
- <sup>26</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 18.
- <sup>27</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, question 19.
- <sup>28</sup> (U) Federal Bureau of Investigation; 2014 FBI Safe Streets and Gang Task Force Survey.
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- <sup>44</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Outlaw Motorcycle Gangs Survey, question 7.
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- <sup>50</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Prison Gangs Survey, questions 13, 15, and 16.
- <sup>51</sup> (U) National Alliance of Gang Investigators' Associations; 2015 National Gang Survey; Street Gangs Survey, question 29 and Prison Gangs Survey, question 17.
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